

June 18, 1981

CONGRESSIONAL RECORD—SENATE

S 6481

struction of such projects and 75 percent funding for operations and maintenance. Existing deep-draft commercial port depths would be grandfathered and would not be subject to operation and maintenance contribution.

The Navigational Port and Navigation Improvement Act of 1981 would remedy deficiencies affecting our Nation's ports in eight areas.

First, it would assist funding for navigation improvement projects.

Second, it would offer favorable tax treatment for money expended by non-Federal sources for navigation improvement.

Third, it would encourage an expedited review of deep-draft commercial ports maintenance programs.

Fourth, it would expedite the process for navigation improvements.

Fifth, it would expedite the environmental review of projects.

Sixth, it would expedite the judicial review of claims against such projects.

Finally, it gives automatic authorization for projects which receive no federal contribution.

It is an honor for me to be a cosponsor of Senator Warner's bill, Navigational Port and Navigation Improvement Act of 1981. I am deeply committed to the improvement of our ports and waterways and hope that the administration and this congress will pass this legislation, realizing that the improvement of our ports is an investment that will assure America's future in the world trading community and national security interests. ●

DEPARTMENT OF STATE AUTHORIZATIONS, 1982 AND 1983

The PRESIDING OFFICER (Mr. SPECTER). Under the previous order, the Senate will now resume consideration of S. 1193, which the clerk will state by title.

The legislative clerk read as follows:

A bill (S. 1193) to authorize appropriations for fiscal years 1982 and 1983 for the Department of State, the International Communications Agency, and the Board for International Broadcasting, and for other purposes.

The Senate resumed the consideration of the bill which had been reported from the Committee on Foreign Relations with amendments as follows:

S. 1193

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—DEPARTMENT OF STATE SHORT TITLE

SEC. 101. This title may be cited as the "Department of State Authorization Act, Fiscal Years 1982 and 1983".

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 102. (a) There are authorized to be appropriated for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law, the following amounts:

(1) For "Administration of Foreign Affairs", \$1,318,754,000 for the fiscal year 1982 and \$1,248,059,000 for the fiscal year 1983.

(2) For "International Organizations and

Conferences", \$523,806,000 for the fiscal year 1982 and \$514,436,000 for the fiscal year 1983.

(3) For "International Commissions", \$22,508,000 for the fiscal year 1982 and \$22,432,000 for the fiscal year 1983.

(4) For "Migration and Refugee Assistance", \$580,850,000 for the fiscal year 1982 and \$467,750,000 for the fiscal year 1983, of which not less than \$18,750,000 shall be made available only for the resettlement of Soviet and Eastern European refugees in Israel.

(b) Of the amounts authorized to be appropriated by section 102(a)(1) of this Act for the fiscal years 1982 and 1983, \$2,085,000 shall be available for each such fiscal year only for expenses to operate and maintain consular posts at Turin, Italy; Salzburg, Austria; Goteborg, Sweden; Bremen, Germany; Nice, France; Mandalay, Burma; and Brisbane, Australia.

(c) Of the amounts authorized to be appropriated by section 102(a)(2) of this Act, \$45,800,000 shall be available in fiscal year 1982 and \$45,800,000 shall be available in fiscal year 1983 only for the Organization of American States for the payment of 1982 and 1983 assessed United States contributions and to reimburse the Organization of American States for payments under the tax equalization program to employees who are United States citizens.

(d) Of the amounts authorized to be appropriated by section 102(a)(4) of this Act, \$1,500,000 shall be available in fiscal year 1982 and \$1,500,000 shall be available in fiscal year 1983 only for the International Committee of the Red Cross to support the activities of the protection and assistance program for "political" detainees.

PALESTINIAN RIGHTS UNITS

SEC. 103. Funds appropriated under paragraph (2) of section 102 of this Act may not be used for payment by the United States, as its contribution toward the assessed budget of the United Nations for any year, of any amount which would cause the total amount paid by the United States as its assessed contribution for that year to exceed the amount assessed as the United States contribution for that year less—

(1) 25 percent of the amount budgeted for that year for the Committee on the Exercise for the Inalienable Rights of the Palestinian People or any similar successor entity), and

(2) 25 percent of the amount budgeted for that year for the Special Unit on Palestinian Rights (or any similar successor entity).

EX GRATIA PAYMENT

SEC. 104. Of the amount appropriated for the fiscal year 1982 under paragraph (1) of section 102 of this Act, \$81,000 shall be available for payment ex gratia to the Government of Yugoslavia as an expression of concern by the United States Government for the injuries sustained by a Yugoslavia national as a result of an attack on him in New York City.

BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS

SEC. 105. In addition to the amounts authorized to be appropriated by section 102 of this Act, there are authorized to be appropriated to the Secretary of State \$3,700,000 for the fiscal year 1982 and \$3,700,000 for the fiscal year 1983 for payment of the United States share of expenses of the science and technology agreements between the United States and Yugoslavia and between the United States and Poland.

PASSPORT FEES AND DURATION

SEC. 106. (a) The first sentence of section 1 under the headings "FEES FOR PASSPORTS AND VISAS" of the Act of June 4, 1920 (22 U.S.C. 214), is amended to read as follows: "There shall be collected and paid into the Treasury of the United States a fee, prescribed by the Secretary of State by regulation, for each

passport issued and a fee, prescribed by the Secretary of State by regulation, for executing each application for a passport."

(b)(1) Section 2 of the Act entitled "An Act to regulate the issue and validity of passports, and for other purposes", approved July 3, 1926 (22 U.S.C. 217a), is amended to read as follows:

"Sec. 2. A passport shall be valid for a period of ten years from the date of issue, except that the Secretary of State may limit the validity of a passport to a period of less than ten years in an individual case or on a general basis pursuant to regulation."

(2) The amendment made by this subsection applies with respect to passports issued after the date of enactment of this Act.

INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW AND THE HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW

SEC. 107. Section 2 of the joint resolution entitled "Joint Resolution to provide for participation by the Government of the United States in the Hague Conference on Private International Law and the International (Rome) Institute for the Unification of Private Law, and authorizing appropriations therefor", approved December 30, 1963 (22 U.S.C. 269g-1), is amended by striking out "except that" and all that follows through "that year".

PAN AMERICAN RAILWAY CONGRESS

SEC. 108. Section 2(a) of the joint resolution entitled "Joint Resolution providing for participation by the Government of the United States in the Pan American Railway Congress, and authorizing an appropriation therefor", approved June 28, 1948 (22 U.S.C. 280k), is amended by striking out "Not more than \$15,000 annually" and inserting in lieu thereof "Such sums as may be necessary".

PAN AMERICAN INSTITUTE OF GEOGRAPHY AND HISTORY

SEC. 109. Paragraph (1) of the first section of Public Resolution 42, Seventy-fourth Congress, approved August 2, 1935 (22 U.S.C. 273), is amended by striking out "not to exceed \$200,000 annually."

INTERNATIONAL ORGANIZATIONS IN VIENNA

SEC. 110. Amend section 2 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287e) by adding at the end thereof the following new subsection:

"(h) The President, by and with the advice and consent of the Senate shall appoint a representative of the United States to the Vienna office of the United Nations with appropriate rank and status who shall serve at the pleasure of the President and subject to the direction of the Secretary of State. Such person shall, at the direction of the Secretary of State, represent the United States at the Vienna office of the United Nations, and perform such other functions there in connection with the participation of the United States in international organizations as the Secretary of State from time to time may direct."

LIVING QUARTERS FOR THE STAFF OF THE UNITED STATES REPRESENTATIVE OF THE UNITED NATIONS

SEC. 111. Section 8 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287e), is amended:

(1) by striking "the representative of the United States to the United Nations referred to in paragraph (a) of Section 2 hereof" and inserting in lieu thereof "the representatives provided for in Section 2 hereof and of their appropriate staffs", and

(2) by adding at the end thereof the following: "Any payments made by the United States Government personnel for occupancy by them of such leased or rented premises shall be credited to the appropriation, fund, or account utilized by the Secretary for

such lease or rental, or the appropriation, fund, or account currently available for such purposes."

SELECTIVE NONIMMIGRANT VISA WAIVER

SEC. 112 (a) Section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) is amended by adding at the end thereof the following new paragraphs:

"(9) (A) The requirement of paragraph 26(B) of subsection (a) may be waived by the Attorney General and the Secretary of State, acting jointly, in the case of an alien who—

"(i) is applying for admission as a non-immigrant visitor for business or pleasure for a period not exceeding ninety days;

"(ii) is a national of a country which extends, or is prepared to extend, reciprocal privileges to citizens and nationals of the United States; and

"(iii) has been determined not to represent a threat to the welfare, safety, or security of the United States.

"(B) (1) For the period beginning on the effective date of this paragraph and ending on the last day of the first fiscal year which begins after the effective date of this paragraph, a country shall be considered to be within the purview of subparagraph (A) (ii) of this paragraph if, in the last fiscal year preceding the effective date of this paragraph such country had a nonimmigrant visa refusal rate, as determined by the Secretary of State in such manner as he shall by regulations prescribe, of less than 2 percent.

"(ii) For each fiscal year following the period specified in subparagraph (B) (1), a country considered to be within the purview of subparagraph (A) (ii) during such period shall not be considered to remain within the purview of subparagraph (A) (ii) unless, in the fiscal year immediately preceding such fiscal year, it had a rate of exclusion and withdrawal of application for admission and rate of violation of nonimmigrant status, as determined in both cases by the Attorney General in such manner as he shall by regulations prescribe, which did not exceed 1 percent. Determinations required by this subparagraph shall be made as soon as practicable after the end of each fiscal year.

"(iii) If, in any fiscal year following the period specified in subparagraph (B) (1), a country not previously considered within the purview of subparagraph (A) (ii) shall have a nonimmigrant visa refusal rate, as determined in the manner provided for in subparagraph (B) (1), of less than 2 percent, such country shall be considered to be within the purview of subparagraph (A) (ii) for the next following fiscal year and shall thereafter be treated in the manner specified in subparagraph (B) (ii).

"(C) Notwithstanding the provisions of subparagraph (A) and (B) of this paragraph, no alien shall be admitted without a visa pursuant to this paragraph if he has previously been so admitted and failed to comply with the conditions of his previous admission."

(b) Section 214(a) of the Immigration and Nationality Act (8 U.S.C. 1184(a)) is amended by changing the period at the end thereof to a colon and by adding thereto the following: Provided, That no alien admitted to the United States without a visa pursuant to section 212(d) (9) shall be authorized to remain in the United States as a temporary visitor for business or pleasure for a period exceeding ninety days from the date of his admission."

(c) Section 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)) is amended to read as follows:

"(c) The provisions of this section shall not be applicable to (1) an alien crewman; (2) an alien (other than an immediate relative as defined in section 210(b)) who hereafter continues in or accepts unauthorized

employment prior to filing an application for adjustment of status; (3) an alien admitted in transit without visa under section 212(d) (4) (C); or (4) an alien admitted as a temporary visitor for business or pleasure without a visa under section 212(d) (9)."

(d) Section 248 of the Immigration and Nationality Act (8 U.S.C. 1258) is amended by inserting after the word "except" the following: "an alien admitted as a temporary visitor for business or pleasure under section 212(d) (9)."

BUYING POWER MAINTENANCE FUND

SEC. 113. (a) Section 24(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2896(b)), is amended to read as follows:

"(b) (1) In order to maintain the levels of program activity provided for each fiscal year by the annual authorizing legislation for the Department of State, no less than \$20,000,000 of the fund authorized by section 102 may be used to offset adverse fluctuations in foreign currency exchange rates, or overseas wage and price changes, which occur after November 30 of the calendar year preceding the enactment of the authorizing legislation for such fiscal year.

"(2) In order to eliminate substantial gains to the approved levels of overseas operations, the Secretary of State shall transfer to the appropriation account established under paragraph (1) of this subsection such amounts in other appropriation accounts under the heading "Administration of Foreign Affairs" as the Secretary determines are excessive to the needs of the approved level of operations because of fluctuations in foreign currency exchange rates or changes in overseas wages and prices.

"(3) Funds transferred from the appropriation account established under paragraph (1) shall be merged with and be available for the same purpose, and for the same time period, as the appropriation account to which transferred; and funds transferred to the appropriation account established under paragraph (1) shall be merged with and available for the purposes of that appropriation account until expended. Any restriction contained in an appropriation Act or other provision of law limiting the amounts available for the Department of State that may be obligated or expended shall be deemed to be adjusted to the extent necessary to offset the net effect of fluctuations in foreign currency exchange rates or overseas wage and price changes in order to maintain approved levels."

(b) Section 704(c) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1477b(c)) is amended by striking out "preceding" and inserting in lieu thereof "calendar year preceding the enactment of the authorizing legislation for such".

(c) Section 8(a) (2) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2287(a) (2)) is amended by striking out "preceding" in the first sentence and inserting in lieu thereof "calendar year preceding the enactment of the amendments to paragraph (1) which provide the authorization for such".

(d) The amendments made by this section shall take effect on October 1, 1981.

ASIA FOUNDATION

SEC. 114. In addition to the amounts authorized by section 102, \$4.5 million is authorized to be appropriated in fiscal year 1982 for the Asia Foundation in furtherance of that organization's purposes as described in its charter. Such funds are to be made available to the Foundation by the Department of State in accordance with the terms and conditions of a grant agreement to be negotiated between the Department of State and the Asia Foundation. Funds appropriated under this section are authorized to remain available until expended.

INTER-AMERICAN FOUNDATION

SEC. 115. (a) Section 401(s) (2) of the Foreign Assistance Act of 1969 (22 U.S.C. 290f (s)) is amended to read as follows:

"(2) There is authorized to be appropriated not to exceed \$12,000,000 for the fiscal year 1982 to carry out the purposes of this section. Amounts appropriated under this paragraph are authorized to remain available until expended."

(b) Section 401(h) of the Foreign Assistance Act of 1969 (22 U.S.C. 290f(h)) is amended to read as follows:

"(h) Members of the Board shall serve without additional compensation, but shall be reimbursed for travel expenses, including per diem in lieu of subsistence, in accordance with section 5703 of title 5, United States Code, while engaged in their duties on behalf of the corporation."

DEPENDENT TRAVEL

SEC. 116. (a) (1) The first sentence of section 5924(4) (B) of title 5, United States Code, is amended by striking out "American secondary or" and inserting in lieu thereof "American secondary education or, in the case of dependents of an employee other than an employee of the Department of State or the International Communication Agency, to obtain an American".

(2) Section 5924 of such title is amended—

(A) by inserting "(a)" immediately before the first sentence; and

(B) by adding at the end thereof the following:

"(b) (1) An employee of the Department of State or of the International Communication Agency in a foreign area is entitled to the payment of the travel expenses incurred by the employee in connection with the travel of a dependent of the employee to or from a school for the purpose of obtaining an undergraduate college education.

"(2) Paragraph (1) shall apply—

"(A) to two round trips each calendar year, and

"(B) to travel expenses which—

"(i) are extraordinary and necessary expenses incurred in providing adequate education for such dependent because of the employee's service in a foreign area or areas, and

"(ii) are not otherwise compensated for."

(b) The amendments made by subsection (a) shall take effect on October 1, 1981.

TITLE II—INTERNATIONAL COMMUNICATION AGENCY

SHORT TITLE

SEC. 201. This title may be cited as the "International Communication Agency Authorization Act, Fiscal Years 1982 and 1983".

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 202. There are authorized to be appropriated for the International Communication Agency \$561,402,000 for the fiscal year 1982 and \$482,340,000 for the fiscal year 1983 to carry out international communication, educational, cultural, and exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Numbered 2 of 1977, and other purposes authorized by law.

CHANGES IN ADMINISTRATIVE AUTHORITIES

SEC. 203. (a) (1) Title III of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1451-1453) is amended—

(A) in section 301 by striking out "citizen of the United States" and inserting in lieu thereof "person"; and

(B) in sections 302 and 303 by striking out "citizen of the United States" and inserting in lieu thereof "person in the employ or service of the Government of the United States".

(2) Such title is further amended—

June 18, 1981

CONGRESSIONAL RECORD—SENATE

S 6483

(A) in section 301—
(i) by striking out "Secretary" the first place it appears and inserting in lieu thereof "Director of International Communication Agency", and

(ii) by striking out "Secretary" the second place it appears and inserting in lieu thereof "Director"; and

(B) in section 303 by striking out "Secretary" and inserting in lieu thereof "Director of the International Communication Agency".

(3) Section 302 of such Act is amended—
(A) in the second sentence by striking out "section 901(3) of the Foreign Service Act of 1946 (60 Stat. 999)" and inserting in lieu thereof "section 905 of the Foreign Service Act of 1980"; and

(B) in the last sentence by striking out "section 1785 of the Revised Statutes" and inserting in lieu thereof "section 5536 of title 5, United States Code".

(b) Section 802 of such Act (22 U.S.C. 1472) is amended—

(1) by inserting "(a)" immediately after "Sec. 802."; and

(2) by adding at the end thereof the following new subsections:

"(b)(1) Any contract authorized by subsection (a) and described in paragraph (3) of this subsection which is funded on the basis of annual appropriations may nevertheless be made for periods not in excess of five years when—

"(A) appropriations are available and adequate for payment for the first fiscal year; and

"(B) the Director of the International Communication Agency determines that—

"(1) the need of the Government for the property or service being acquired over the period of the contract is reasonably firm and continuing;

"(ii) such a contract will serve the best interests of the United States by encouraging effective competition or promoting economies in performance and operation; and

"(iii) such method of contracting will not inhibit small business participation.

"(2) In the event that funds are not made available for the continuation of such a contract into a subsequent fiscal year, the contract shall be canceled and any cancellation costs incurred shall be paid from appropriations originally available for the performance of the contract, appropriations currently available for the acquisition of similar property or services and not otherwise obligated, or appropriations made for such cancellation payments.

"(3) This subsection applies to contracts for the procurement of property or services, or both, for the operation, maintenance, and support of programs, facilities, and installations for or related to radio transmission and reception, newswire services, and the distribution of books and other publications in foreign countries."

(c) Paragraph (16) of section 804 of such Act (22 U.S.C. 1474(16)) is amended by inserting "and security vehicles" immediately after "right-hand drive vehicles".

(d) Title VIII of such Act (22 U.S.C. 1471-1475b) is amended by adding at the end thereof the following new section:

"ACTING ASSOCIATE DIRECTORS"

"Sec. 808. If an Associate Director of the International Communication Agency dies, resigns, or is sick or absent, the Associate Director's principal assistant shall perform the duties of the office until a successor is appointed or the absence or sickness stops."

(e) Paragraphs (18) and (19) of section 804 of such Act (22 U.S.C. 1476 (18) and (19)) are amended—

(1) by striking out "and" at the end of paragraph (18); and

(2) by striking out the period at the end of paragraph (19) and inserting the following: "; and

"(20) purchase motion picture, radio and television producers' liability insurance to cover errors and omissions or similar insurance coverage for the protection of interests in intellectual property."

(f) Section 1011 of the United States Information and Educational Exchange Act of 1948, as amended, is amended by adding at the end thereof the following new subsection:

"(1) Foreign currencies which were derived from conversions made pursuant to the obligation of informational media guaranties and which have been determined to be unavailable for, or in excess of, the requirements of the United States and transferred to the Secretary of the Treasury, shall be held until disposed of, and any dollar proceeds realized from such disposition shall be deposited in miscellaneous receipts. As such currencies become available for such purposes of mutual interest as may be agreed to by the governments of the United States and the country from which the currencies derive, they may be sold for dollars to agencies of the United States Government."

(g) Title VIII of the United States Information and Educational Exchange Act of 1948, as amended, is revised by the addition of the following section:

"Sec. 809. Cultural exchanges, international fairs and expositions, and other exhibits or demonstrations of United States economic accomplishments and cultural attainments provided for under this Act or the Mutual Educational and Cultural Exchange Act of 1961 shall not be considered "public work" as that term is defined in section 1 of the Defense Base Act, as amended (section 1651(b) of title 42 of the United States Code)."

LIQUIDATION OF THE INFORMATIONAL MEDIA GUARANTY FUND

Sec. 204. Section 1011(h) of such Act (22 U.S.C. 1442(h)) is amended by adding at the end thereof the following new paragraph:

"(4) Section 701(a) of this Act shall not apply with respect to any amounts appropriated under this section for the purpose of liquidating the notes (and any accrued interest thereon) which were assumed in the operation of the informational media guaranty program under this section and which were outstanding on the date of enactment of this paragraph."

INTERNATIONAL EXCHANGES AND NATIONAL SECURITY

Sec. 205. (a) Congress finds that—

(1) United States Government sponsorship of international exchange-of-persons activities has, during the postwar era, contributed significantly to United States national security interests;

(2) during the 1970's, while United States programs declined dramatically, Soviet exchange-of-persons activities increased steadily in pace with the Soviet military buildup;

(3) as a consequence of these two trends, Soviet exchange-of-persons programs now far exceed those sponsored by the United States Government and thereby provide the Soviet Union an important means of extending its worldwide influence;

(4) the importance of competing effectively in this area is reflected in the efforts of major United States allies, whose programs also represent far greater emphasis on exchange-of-persons activities than is demonstrated by the current United States effort; and

(5) with the availability of increased resources, the United States exchange-of-persons program could be greatly strengthened, both qualitatively and quantitatively.

(b) It is therefore the sense of Congress that—

(1) United States exchange-of-persons activities should be strengthened;

(2) the allocation of resources necessary to accomplish this improvement would constitute a highly cost-effective means of

enhancing United States national security; and

(3) because of the integral and continuing national security role of exchange-of-persons programs, such activities should be accorded a dependable source of long-term funding.

(c) Beginning in fiscal year 1982, exchange-of-persons programs administered by the International Communication Agency shall, over a four-year period, be expanded to a level, in real terms, three times that in effect on the date of the enactment of this Act.

TITLE III—BOARD FOR INTERNATIONAL BROADCASTING

SHORT TITLE

Sec. 301. This title may be cited as the "Board for International Broadcasting Authorization Act, Fiscal Years 1982 and 1983".

AUTHORIZATIONS OF APPROPRIATIONS

Sec. 302. There are authorized to be appropriated for the Board for International Broadcasting \$98,317,000 for fiscal year 1982 and \$98,317,000 for fiscal year 1983.

ADDITIONAL FUNDING

Sec. 303. Notwithstanding the provisions of section 8b of Public Law 93-129, not to exceed \$6,195,000 of the gain realized during fiscal year 1981 through upward fluctuations in foreign currency exchange rates shall be made available to compensate for losses incurred as a result of the bomb explosion at RFE/RL, Inc., Munich headquarters on February 21, 1981, and for additional RFE/RL, Inc., operating expenses as might be deemed appropriate.

MERGER OF THE BIB AND THE RFE/RL BOARD

Sec. 304. Section 4 of the Board for International Broadcasting Act of 1973 is amended as follows:

"(c) Beginning January 1, 1982, no grant may be made under this Act unless the certificate of incorporation of RFE/RL, Inc., has been amended to provide that—

(1) the Board of Directors of RFE/RL, Inc., shall consist of the members of the Board for International Broadcasting and of no other members; and

(2) such Board of Directors shall make all major policy determinations governing the operation of RFE/RL, Inc.; and shall appoint and fix the compensation of such managerial officers and employees of RFE/RL, Inc., as it deems necessary to carry out the purposes of this Act."

TITLE IV—ARMS CONTROL AND DISARMAMENT AGENCY

SHORT TITLE

Sec. 401. This title may be cited as the "Arms Control and Disarmament Agency Act, Fiscal Years 1982 and 1983".

AUTHORIZATIONS OF APPROPRIATIONS

Sec. 402. Section 49(a) of the Arms Control and Disarmament Act (22 U.S.C. 2589(a)) is amended to read as follows:

Sec. 49. (a) To carry out the purposes of this Act, there are authorized to be appropriated—

"(1) for the fiscal year 1982, \$18,268,000 and such additional amounts as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs, and to offset adverse fluctuations in foreign currency exchange rates, and

"(2) for the fiscal year 1983, such sums as may be necessary to carry out the purposes of this Act.

Amounts appropriated under this subsection are authorized to remain available until expended."

SECURITY CLEARANCES

Sec. 403. Section 45(a) of the Arms Control and Disarmament Act (22 U.S.C. 2585 (a)) is amended by inserting the following new sentence after the second sentence thereof: "In the case of persons detailed

S 6484

CONGRESSIONAL RECORD—SENATE

June 18, 1981

from other Government agencies, the Director may accept the results of fullfield background security and loyalty investigations conducted by the Defense Investigative Service or the Department of State as the basis for the determination required under this subsection that the person is not a security risk or of doubtful loyalty."

ANTISATELLITE ACTIVITIES

Sec. 404. Section 31(b) of the Arms Control and Disarmament Act (22 U.S.C. 2571) is amended by striking the "and" and inserting the following phrase: "and of all aspects of anti-satellite activities;"

TITLE V—MISCELLANEOUS PROVISIONS

REPEALS; TECHNICAL AMENDMENTS

Sec. 501. (a) The following provisions of law are repealed:

(1) Section 408 of the Act entitled "An Act to authorize appropriations for fiscal years 1980 and 1981 for the Department of State, the International Communication Agency, and the Board for International Broadcasting", approved August 15, 1979 (22 U.S.C. 287c note).

(2) (A) Section 121(b) (22 U.S.C. 1175 note),

(B) section 122(b) (22 U.S.C. 2280 note),

(C) section 203 (22 U.S.C. 1461-1 note),

(D) section 504(e) (22 U.S.C. 2656d(e)),

(E) section 601(b) (92 Stat. 985),

(F) section 603(c) (22 U.S.C. 2656 note),

(G) section 608(c) (22 U.S.C. 2656d note),

(H) section 609(c) (92 Stat. 989),

(I) section 610(c) (22 U.S.C. 2151 note),

(J) section 611(b) (22 U.S.C. 1731 note),

(K) section 613(b) (22 U.S.C. 2370 note),

(L) section 705(a) (22 U.S.C. 2151 note),

(M) section 709 (22 U.S.C. 2151 note), and

(N) section 711 (22 U.S.C. 2220a note), of the Foreign Relations Authorization Act, Fiscal Year 1979.

(3) (A) Section 107(b) (91 Stat. 846),

(B) section 109 (a) (7) (22 U.S.C. 2384 note),

(C) section 414(b) (22 U.S.C. 1041 note),

(D) section 501 (91 Stat. 857),

(E) section 503(b) (91 Stat. 858),

(F) section 505 (22 U.S.C. 2151 note), and

(G) section 513 (19 Stat. 862), of the Foreign Relations Authorization Act, Fiscal Year 1978.

(4) Section 403 of the Foreign Relations Authorization Act, Fiscal Year 1977 (22 U.S.C. 2871 note).

(5) Sections 102(b) (89 Stat. 756) and 503(b) (89 Stat. 772) of the Foreign Relations Authorization Act, Fiscal Year 1976.

(6) Section 15 of the State Department/USIA Authorization Act, Fiscal Year 1975 (22 U.S.C. 2151 note).

(b) (1) The Foreign Relations Authorization Act, Fiscal Year 1979, is amended—

(A) in section 121, by striking out "(a)";

(B) in section 123, by striking out "(a)";

(C) in section 601, by striking out "(a)";

(D) in section 611, by striking out "(a)";

(E) in section 613, by striking out "(a)"; and

(F) in section 705, by striking out "(a)".

(2) The Foreign Relations Authorization Act, Fiscal Year 1978, is amended—

(A) in section 107, by striking out "(a)";

(B) in section 414, by striking out "(a)";

(C) in section 503, by striking out "(a)"; and

(D) in section 505, by striking out "(a)".

Mr. STEVENS. Mr. President, I ask that the cloakrooms notify Senators that the Senate has resumed its consideration, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 72

Under the previous order, the Senate will now resume consideration of the amendment by the Senator from Minnesota (Mr. DURENBERGER).

Mr. DURENBERGER. Mr. President, as I indicated last evening, I have no further argument to make in favor of the amendment. I am not aware of anyone on this side of the aisle who does. At this time, I yield to the Senator from Vermont for whatever remarks he cares to make in addition to those he made last night.

Mr. LEAHY. Mr. President, I thank the Senator.

The PRESIDING OFFICER. The Senator may proceed.

Mr. LEAHY. Mr. President, the discussions yesterday, which revolved primarily around procedural matters on this resolution, may have obscured some of the issues that we have before us. There is a great deal of concern and it is, I believe, bipartisan concern, as to the posture presented by the United States in its vote on the infant formula matter. The United States has an enviable record worldwide in efforts that it has made in combating hunger, in helping in refugee programs, and providing both medicine and food, not only within its own borders but without its borders, to Third World nations, emerging nations, war-torn nations, ravaged by natural disaster. These are items in the history of the United States which all of us, as Americans, can be extremely proud of.

That is why it is unfortunate that the United States voted as it did, for whatever reasons—technical or otherwise—to be the lone dissenting vote on the question of infant formula. That, really, is why I believe the other body, as well as this, has raised the issue as something to be discussed, debated, and voted upon in our respective bodies, to express a concern that the enviable U.S. record in these areas not be clouded or overcome by this one issue.

I think an example of it is the fact that there has been a great deal of discussion in newspapers throughout the United States, local newspapers that perhaps normally would be more involved in issues of the budget, either of their own State or of the Nation, their own local community, or in other national items. Let me read a few of those:

Tallahassee Democrat—May 4, 1981:

The argument that any kind of marketing technique is acceptable to promote competition loses its effectiveness when manufacturers allow greed to become more important than their customers.

Journal of Commerce—May 7, 1981:

As a rule we are not overly enchanted with multilateral agreements or recommendations. . . . But if the United States abstains or votes no on the infant formula code, we believe that it will gain little and possibly lose much

in its effort to restore U.S. credibility and influence with the developing world."

Chicago Sun-Times—May 12, 1981:

But now the U.S. delegation will withdraw support for the plan (code)—in effect, putting formula makers' profits before the health of Third World babies. It's a shameful switch.

Baltimore Sun—May 14, 1981:

That the administration instead is opposing the code makes it appear to be callous toward the welfare of infants in the Third World. . . . When they oppose the WHO code, the U.S. companies and the U.S. government appear to oppose a public health revolution which could yield immense benefits for the world's poor.

Washington Post—May 15, 1981:

The fact is that none of the administration's objections has anything to do with the health of babies. That is the sorry flaw in its handling of this issue.

Long Beach (Cal.) Press-Telegram—May 18, 1981:

But the "no" vote on the infant formula issue is a mistake. If the United States is alone in its "no" vote, or at best among the very few that vote "no" on this emotional issue, it will be marked as a nation that puts the interests of its own companies above concern for the nutritional needs and development of infants.

Lewiston (Idaho) Morning Tribune—May 19, 1981:

It is easy to understand why the proposed code would attract so much support. It is a recognition by a community of civilized nations that much harm has been done by aggressive baby food conglomerates who for years have been taking advantage of the huge third world market. It is harm that is measured not in dollars, but in human lives—babies' lives.

It is ironic, Mr. President, that at a time when this country and this Government have stated a great concern for the unborn of its Nation, when we have on the floor of the House and Senate legislation pending that does everything from trying to make a congressional determination of the ultimate theological question of when life begins, straight through, on an issue which could be considered as protective of human life as any in the world, the United States ends up in the unenviable position of appearing to be in favor of billions of dollars of profits for some of the multinational baby food manufacturers and not on the side of babies who will be using that formula.

It should not be forgotten, Mr. President, what we have here. We have a situation where the image of the Western World, the image of progress, the image of democracy, the image of civilization, is a baby bottle and baby formula. I do not think that it puts too fine a point on it, Mr. President, to say that in many areas of the world, the steps taken by some of these baby formula manufacturers are very much akin to drug peddlers and dope peddlers in this country—the free samples, the below-cost items.

Is it any more sinister to get somebody hooked on a narcotic habit in this country, that they cannot afford and cannot sustain but cannot live without, than to convince mothers in a country where there is a lack of pure water, lack of normal sanitation methods, to stop the traditional methods of breast feeding, certainly proved throughout eons of time,

June 18, 1981

CONGRESSIONAL RECORD—SENATE

S 6485

through our whole evolutionary process, a safe hygienic method of feeding their children? Instead, to be telling them that they must stop and it is an irreversible stop—biology is biology. Once stopped, you do not start up again.

The formula companies say, "Take this free sample of baby formula. Start with that." What happens within a month or 2 months when the free samples run out?

Many times, in many of these countries, it is necessary to spend as much money for formula as a family normally would spend on food for the whole family.

We have come to a time when the symbol of Western development is the baby bottle. It makes no difference, then, what is put into the bottle, whether it is water that is contaminated, filthy and dirty, swimming with germs; whether it is an improperly diluted formula; whether it is a formula that has been exposed to every kind of unsanitary situation. That is what goes into it, because, by God, it is Western development. "We are coming into the free world by using this bottle."

I referred yesterday to the testimony of one of the missionary nuns who worked with those in a Third World country. She talks about the baby bottle costing nearly a month's salary or a month's income of a family. The bottle was fetid, putrid, black, dirty, crawling with bugs. It is that western baby bottle.

The mother's children are being fed with that bottle because, after all, the glossy, colorful ads showed that this is the modern way and this is the way to have healthy children. Yet, family after family would wonder why child after child would die.

We are talking about baby formulas going into countries where children are not even recorded—their births are not recorded, many times, for months and months, because so many of them die.

Again, I would refer to the many editorials on this issue—from all over the country.

The New York Times of May 19, 1981, said:

There thus appears no reason to cast the United States as the enemy of mothers and babies. It is unwise to contend that every society should observe American styles of commerce. And if there are wrong-headed provisions or precedents in such a code, they will be much better dealt with country by country, by an American Government that shows itself sympathetic to the most elementary concerns of others.

Washington Star, May 18, 1981:

The U.S. is isolating itself from a consensus that it is merely silly to blame on a malicious anti-capitalist cabal, and also exposing itself to a charge of bad faith.

Baltimore News American, May 19, 1981:

Let us hope the Reagan administration realizes the damage it proposes to do, changes its mind and decides to vote with an eye toward the well-being of hundreds of thousands of infants, and not in keeping with the wishes of a powerful industry.

St. Louis Post-Dispatch, May 20, 1981:

The no vote by the U.S. is a sorry commentary on the country's concern for the health of infants everywhere.

Milwaukee Journal, May 20, 1981:

The Reagan administration should take its anti-regulation bias off the backs of babies in Third World countries.

Columbia (Ga.) Ledger, May 20, 1981:

Maybe the Reagan administration next will announce that the U.S. Justice Department has no right to interfere with the marketing and sale of heroin because it interferes with the free enterprise system. That would surprise us, but not much.

Raleigh News & Observer, May 20, 1981:

The Reagan administration will send a callous message to poor countries if it votes against a proposed international advisory code of ethics for the marketing of infant formula.

Miami News, May 20, 1981:

The risk of course involves far more than how the world views the United States. The lives of children are at stake—and the Reagan administration would be both wise and humane if it changed its mind. And instead of accepting the resignations of Babb and Joseph it should give them large raises.

Fort Wayne Journal-Gazette, May 20, 1981:

But whether it stems from tortured reasoning or behind-the-scenes lobbying, the administration's opposition to the proposed WHO code could mean death for Third World infants whose mothers are encouraged to feed them easily contaminated formula rather than breast-feeding them.

Vancouver (Wash.) Columbian, May 20, 1981:

The ethics of a public policy that puts corporate profits before infant starvation are questionable, indeed.

Oskaloose (Iowa) Herald, May 21, 1981:

We say human beings and the preservation of health and life are more important goals.

Hartford Courant, May 21, 1981:

The code, which the Reagan administration opposes for ideological reasons, is only a partial but necessary step toward protecting the health and welfare of mothers and children.

Conway (Ark.) Log Cabin Democrat, May 21, 1981:

America, the world's leader in sharing its medical knowledge, equipment and personnel with other nations, got a black eye with this vote.

Minneapolis Tribune, May 21, 1981:

But potential health benefits from application of the code outweigh its bureaucratic drawbacks.

San Francisco Examiner, May 22, 1981:

It's saddening that the government has given, for no good reason, adversaries of this country an emotional club with which to beat us over the head. Even if it happened to cost us something (which it wouldn't), we need to show a good deal more concern on this question, and reverse our national position.

Marshall (Minn.) Independent, May 22, 1981:

Surely the Reagan administration is operating out of ignorance. Surely our president and other top government officials do not want to cast our country in the role of a child killer and, worse, one who does so for profit.

The Catholic Review, May 22, 1981:

Despite overwhelming evidence that such marketing practices by multi-national corporations like Nestle and Bristol-Myers are detrimental to the health of young children, the U.S. took the risk of destroying its own credibility on world health and trade circles.

South Bend Tribune, May 23, 1981:

No amount of explanation will erase the stigma of our vote. We are giving up world leadership for business reasons.

Fayetteville (N.C.) Observer, May 25, 1981:

Is the Reagan administration allowing the interests of big business to prevail over those of mothers and children? That is the smell of it.

Kansas City Times, May 25, 1981:

In failing to support a humanitarian World Health Assembly resolution favoring mother's breast milk as infant food at the expense of commercial substitutes, the United States shamed itself. Not only did it decline to stand beside 117 other nations of the world declaring concern for the dangers to children in underdeveloped countries posed by infant formulas, this administration served unqualified notice that it is not interested in being a symbolic moral leader.

Buffalo Evening News, May 26, 1981:

It is unfortunate that the Reagan administration found it necessary to cast a vote that unduly stressed legalistic issues to the exclusion of the health concerns involved in the infant formula debate. The decision . . . contributed nothing to the image of either the present administration or the nation.

Valley Advocate (Northampton, Mass.), May 27, 1981:

Shame seems often to be the underbelly of bravado. Yet, in the government's latest swagger before the world community there is a schism that is becoming familiar. Those who committed the indiscretion remain smug while the outcry of high-ranking, respected officials and our consciences reveal a depth of humiliation.

Bucks County (Penn.) Times, May 1981:

It is painfully obvious that decisions like this one will not endear the administration to the leaders of the world's underdeveloped nations. In some cases, our legitimate interests make it impossible to accommodate them. But the controversy over infant formula appears to be a case of the administration going out of its way to be insensitive to their concerns.

Philadelphia Inquirer, May 1981:

The controversy is literally a motherhood issue, and the White House has put the United States on the wrong side of it.

I will now refer to the testimony of Dr. Alan Jackson, who heads the Tropical Metabolism Research Unit at the University of the West Indies, in Kingston, Jamaica. Dr. Jackson states:

Studies that have been carried out [in Jamaica] over the last 12 years show that there is a consistent pattern of infant feeding. About 70 percent of the mothers start off by breast feeding their children. But from a very early age, they introduce their children to bottle feeding, complementary feeding, usually with a milk formulation.

Initially, widespread advertising, free samples, and the use of milk nurses encouraged this type of feeding practice. The government has been fairly active in Jamaica, and they have attempted to limit the extent of the advertising and the accessibility of milk nurses to government institutions. But this has had little effect on the established pattern.

Furthermore, the influence of the advertising and the milk nurses has been found to outlast the period of their physical presence, so that unless definitively and strongly advised otherwise, the mothers persist in a pattern of bottle feeding in subsequent pregnancies. And this is something that is asso-

S 6486

CONGRESSIONAL RECORD—SENATE

June 18, 1981

ciated, in fact, with the ambivalence itself of health professionals who, themselves, have been courted by milk companies, and help to promote an undesirable practice of feeding.

Now, the average family income in Jamaica for a family of, say, five or six people is of the order of \$16 to \$20 a week. Now, to properly feed a four-month-old baby [with formula]—it is difficult to get an accurate figure, because they are having rising costs of living—but it is a minimum of \$7 a week out of total family income of, say, \$20 a week. Obviously, that is prohibitive.

Mr. President, I have a letter which was sent to me by Miss Linda Kelsey in connection with this matter. Miss Kelsey is probably best known to Americans for her brilliance as an actress. Many see her on television each week on the Lou Grant program, but I believe that those of us who have worked the most in this area know her for the unstinting effort she has given to this whole issue. In her letter, she speaks of a trip she made into India, Bangladesh, Malaysia, Hong Kong, and the Philippines. She says:

I feel very strongly that the U.S. Government should support the World Health Organization/UNICEF efforts to stop the unethical promotion of breast milk substitutes. I have just returned from seeing babies afflicted with "bottle baby disease" in five Asian countries where I talked with their suffering mothers, and learned from local health workers of the difficulties they have stopping the trend away from breast feeding. What I experienced has made me very angry because it is all so preventable. But to do so requires the voice of the powerful, such as yourself, defending the silent voices of the children.

I was asked to visit India, Bangladesh, Malaysia, Hong Kong, and the Philippines by the International Organization of Consumers' Unions; my visit was coordinated by the consumer societies of each nation. They asked me in the hopes that my public image as a "reporter" on the Lou Grant Show would help stimulate support for an issue only casually treated in the press.

James Grant, Director of UNICEF, has termed this the "silent catastrophe," because the babies suffer and die with no political voice. It is estimated that four million infants will die each year—11,000 per day—as the result of inappropriate bottle feeding. (In the five days since I've returned to the time I've written this letter, the number of babies who have died has surpassed the deaths of all Americans in the Vietnam war.) Having seen one baby in Bangladesh suffering so unnecessarily, multiplying these figures to global proportions staggers me.

I visited health clinics and hospitals, talked with front line health workers, with women's groups, consumer organizations, and government officials. They were shocked when I told them that the new Administration was contemplating a vote against the WHO/UNICEF code of marketing for breast-milk substitutes, to be debated at this month's World Health Assembly. I was very moved by their sense of abandonment, of the sense of helplessness that an underfunded health worker feels when faced with the powerful interests of large commercial firms. They expressed the need for the code to help right the imbalance, and help them attain the political force needed to protect their children from the unnecessary and dangerous use of breast milk substitutes.

They showed me the promotion stickers, free samples, and advertisements of the baby milk companies. I saw stacks and displays of baby milks in tiny stores—the most visible and prestigious products of a poor shop—next to open sewage and slum conditions which insured that the babies would only

suffer, deprived of the protective qualities of their mother's milk. In one hospital I visited in the Philippines, infant formula companies' western dressed sales personnel were so common with their samples, gifts and posters, that upon entering, I was asked what milk company I represented!

The companies involved were, of course, American and Swiss. But also English, Dutch, Japanese and even Indian. I couldn't have imagined the intensity of competition until I saw huge billboards advertising milk products near the slums of Bangladesh, by so many firms.

I know that the advocates of breast feeding and the marketing code are being accused of being political. It's true, of course, and my trip has convinced me of this necessity. A powerful institution—much less the combined forces of over thirty large milk companies—cannot be changed without political intervention. But this is not an issue that splits on traditional conservative/liberal lines. Those who do so have not seen the babies, or the advertising in the most appalling circumstances—or are motivated purely by self-interest. We must act now to conserve our most valuable resource: the world's future citizens.

It is not a question of banning the use of infant formula, but of insuring its safe use. It is a case of developing guidelines that will make corporations responsible for controlling the advertising, marketing and promotion activities which in and of themselves, create a market in spite of public health considerations. The World Health Organization (consisting of 155 member nations) will undertake this responsibility this month at its Assembly in Geneva, through consideration of its code of marketing for breast milk substitutes.

I believe your efforts with Senate Resolution No. 111 are essential to protect millions of innocent children. I have written to your colleagues to urge them to support your efforts. On behalf of those I spoke with, I thank you for caring enough to commit yourselves to help at this time.

I am convinced that the U.S. will suffer great political damage if we are the only nation in the world—as we might well be—to vote against the code. After my visits, I know that it will be interpreted by people around the world that we are more concerned with the health of our industry than the health of children. This would be an insult to American ideals—and the very real feelings of American citizens who support this effort.

Sincerely,

LINDA KELSEY.

P.S.—I'm enclosing a xerox of an article that appeared in Asia Week while I was there. I think it shows the extent of interest and depth of feeling I found wherever I went.

Mr. President, I ask unanimous consent to have printed in the RECORD the article to which Miss Kelsey referred.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SABOTAGE: BREAST VS. BOTTLE: A NEW BATTLEFRONT

MELY, 19, feels sluggish and untidy as her visitor clucks greetings from the foot of the hospital bed. The "nurse" is maternally but trim, her uniform spotlessly white, her hair pulled smoothly back by an economic combination of tortoiseshell clasp and prim little bonnet. She slips the neat blue shoulder-bag over the bed rail and begins to fuss around Mely. Isn't Mely lucky to have an adorable new baby daughter? Is Mely sure she has enough breast-milk to keep the little one contented? Mely looks tired—babies can be so demanding. Has Mely heard about this amazing new milk developed by doctors in America and Europe where all babies are so healthy and strong?

YUE-LING, 27, worries that her 3-day-old son isn't getting enough milk from her swollen, aching breasts. The baby seems fretful and cries a lot; each feeding is becoming a trial for both mother and child. Yue-ling feels like weeping with relief when the firm but friendly young woman in the starched trouser-suit and sensible shoes explains how infant formula is scientifically designed by baby-care experts for modern mothers.

RAJ, 36, listen thoughtfully as the impeccably groomed "nutritionist" goodhumoredly scolds him. His wife, trying to hush their 4-year-old son and suckle the new infant at the same time, calls irritably from the door of their two-room hut: breast-feeding may be a labour she snaps, but at least it is free. Raj sees her anger, her desperation, her rumpled and prematurely stooped figure. He hears the "nutritionist" chide him with happiness, convenience and science.

All over Asia, those scenes are being repeated thousands of times every day, with countless variations. Always, the aim is the same: to convince mothers that "infant formulas"—milk-substitute preparations made and aggressively marketed by multinational corporations—are better than mother's milk. Unfortunately, their claims are not true. In some instances, the claims and activities of infant formula manufacturers constitute crimes against Asia and against the developing world as a whole. Now, just when the international community has finally begun a concerted effort to combat the menace, the big companies are gearing for a counter-attack.

At the World Health Assembly in Geneva, Switzerland, next month, representatives of more than 150 countries will debate a code of ethics for the sale of infant formulas and other baby foods. The code was drafted by the World Health Organization (WHO) and the United Nations Children's Fund (UNICEF) following a joint meeting of these two agencies in Geneva in October 1979. Many infant-formula companies participated in the discussions that led to the drafting of the marketing code; they did so out of a sense of moral obligation, having studied the evidence that misuse of their products endangers the health and even the lives of millions of children around the world. Yet as the Geneva conference draws closer, some of those same companies are preparing to sabotage the code or dilute it so heavily that it will be virtually meaningless.

The reason for that scandalous about-face has nothing to do with health, science or modernity. It is pegged directly to politics or, more accurately, to the shift in American and West European politics. With the advent of the Reagan Administration, some of the manufacturers who previously cooperated with the U.N. agencies have begun to "sense an advantage," as one angry UNICEF top-sider puts it. They have made it clear they intend to fight in Geneva next month by characterizing the code as a "restraint on free trade." They intend to portray the code's provisions against misleading or ambiguous advertising as a violation of the U.S. Constitution's First Amendment, which protects freedom of speech and freedom of the press.

By such means, the companies plan to obscure the real purpose of the code, which seeks not to ban infant formula but to prevent or minimize its abuse through aggressive marketing. Those marketing efforts go far beyond simple advertising: most glaringly, they include the use of "milk nurses"—salespeople employed by the companies to push their products in hospitals, towns and villages. Because they appear to function in an official or semi-official capacity, and because they are often abetted by corrupt or ignorant hospital staffers, the hucksters have little difficulty winning over Mely and Yue-ling or fathers like Raj who want to make life easier for their wives.

June 18, 1981

CONGRESSIONAL RECORD—SENATE

S 6487

At the core of the current debate is the incontrovertible and mounting evidence of much higher sickness and death rates among bottle-fed babies than among breast-fed youngsters. The evidence is most startlingly clear in terms of diarrhoeal diseases: bad water, dirty bottles and unsterilised teats cause diarrhoea. And since infant formula makes a big dent in family income, parents habitually dilute the product to make it last longer. Result: progressive malnutrition. James P. Grant, UNICEF's executive director, believes worldwide adoption of the marketing code "could save a million children a year now dying of diarrhoea and [the effects of] malnutrition." The infant-food industry, adds WHO Director-General Halfdan Mahler, is "morally obliged to change its practices."

Many women, for one reason or another, are not able to breast-feed; for them, infant formula—properly used—is a godsend. WHO and UNICEF don't dispute this. What they do dispute is marketing aimed at convincing mothers that infant formula is "almost as good," "as good" or "even better" than mother's milk. They also want to put a stop to marketing that suggests substitute milk products are "more convenient" and "more modern," a tactic favoured in developing and industrialised societies alike.

"Want to be a real hero?" asks an ad published by Mead Johnson & Co. of Evansville, Indiana. "Buy Mom a two-week supply of Enfamil Nursette infant formula. . . . She'll appreciate your gift [because] Nursette is easy to use—it means less work, more rest. . . . Isn't your wife's happiness worth it?" Yet the American Academy of Paediatrics is unequivocal in asserting that "breast milk is the best food for every newborn infant."

Mead Johnson is a wholly-owned subsidiary of Bristol-Myers Co. (annual sales: US \$2.5 billion). Ross Laboratories, which makes Similac, is owned by Abbott Laboratories (annual sales: \$1 billion). These two companies are said to hold about 90 percent of the infant formula market in the U.S. Along with a third, American Home Products Corp., they have begun intensive lobbying in Washington to persuade American politicians to oppose the marketing code.

Those companies had previously supported the draft code; now, conscious that a Republican government is much more inclined to leave big business alone, they are reneging. The draft, they claim, is a "serious distortion of the original intent"—a charge that leaves WHO and UNICEF officials blinking in amazement. "They helped write it!" exclaims one.

From the outset, some other manufacturers actively opposed the international agencies efforts to draw up a code. One of them was the giant Swiss-based food corporation Nestlé, whose products are familiar in many Asian countries. Nestlé tried to skirt the issue, say UNICEF sources, by "insisting that it had never said breast milk wasn't best, by claiming that its products have improved baby nutrition in developing countries, by saying it doesn't advertise infant formula in poorer countries, and so on." Unfortunately for Nestlé, those lofty claims are easily brought down to earth:

Claim: "Nestlé actually encourages breast-feeding." Fact: While the company's products do carry the advice that "Breast-feeding is Best," Nestlé's promotional and marketing techniques effectively spread the opposite message. Through doctors, midwives and the mothers themselves, Nestlé clearly encourages the use of infant formula—hardly surprising, since it makes the stuff. The Inter-faith Centre on Corporate Responsibility (ICCR), an activist wing of the National Council of Churches in the U.S., quotes a letter from a Nestlé "medical representative" who said her main responsibility "is to promote the Nestlé infant formula products" by visiting "people in the medical profession

who are directly in contact with infants." In return for infant-formula samples, she wrote, "the recipients would of course recommend, in one way or another, Nestlé formulas."

Claim: Nestlé does no consumer advertising of infant-formula products in developing countries." Fact: While Nestlé supposedly ordered a halt to all such advertising in July 1978, it promoted formula to mothers at a baby show in Malaysia in October 1978. Formula promotion calendars were distributed by Nestlé in Indonesia in 1979.

Last month, a well known European expert on child nutrition announced that he was quitting his post as consultant to a Nestlé subsidiary because of Nestlé's activities in developing countries. In a letter to the British medical journal *The Lancet*, Dr. Stig Sjölin of Sweden's Uppsala University Hospital declared: "Despite sharp and well-founded criticism from a number of organisations and individuals over the years, Nestlé has shown little interest in changing its attitudes and marketing policies." He added: "Nestlé, in its obstinacy, has even joined forces with other large manufacturers of breast-milk substitute—not, as is now clear, to establish rules of conduct that would protect child health, but to defend the manufacturers' activities and to protect their own economic interests."

The 1979 WHO/UNICEF meeting was attended by government representatives from eighteen countries including India, Japan, Malaysia, New Zealand, Papua, New Guinea, the Philippines, the U.S. and Britain. Also among the participants were experts from U.N. and other agencies such as the Food & Agriculture Organisation (FAO), the World Bank's Rural Development Department, the International Labour Organisation (ILO), the U.N. Conference on Trade & Development (UNCTAD), the U.N. Fund for Population Activities (UNFPA), the World Food Programme and the U.N. Industrial Development Organisation (UNIDO). Among the participants from the infant-formula industry itself were executives from Bristol-Myers, Mead Johnson, Abbott, Wyeth and Gerber (U.S.), Frieland and Nutricia (Holland), Dumex (Denmark), Meiji Milk Products and Snow Brand (Japan) and Nestlé (Switzerland). At that meeting, by consensus, it was agreed that "there should be an international code of marketing of infant formula and other products used as breast-milk substitutes. This should be supported by both exporting and importing countries and observed by all manufacturers." The code was duly drawn up in consultation with industry officials and approved two months ago by the executive board of the World Health Organisation; now it must be approved by the WHO Assembly next month.

The motion before the Assembly will take the form of a "recommendation" to member governments, rather than a "regulation"—a concession to the industry and a reflection of the industry's lobbying over the past year. The hope is that governments, once the recommendation is accepted, will quickly give the code the full force of law in their own countries.

If the code is weakened further or scuttled altogether by the manufacturers' new counterattack, Asian governments will have only two options: to legislate against improper marketing practices, or watch more of their youngest citizens suffer and perhaps die through misuse of infant formula. Plainly, there is nothing wrong with established breast-milk substitutes, used correctly and under the supervision of trained medical personnel. But there is a lot wrong with the manner in which leading companies exploit social pressures, ignorance or poverty in selling their products to mothers who may not need it and probably can't afford it. To Geneva in mid-May, the thoughts of all caring Asians must turn.

Mr. LEAHY. One of the articles in the *Washington Post* spoke of the use of baby formulas in Brazil and it presented a scientific study showing a large percentage of bottlefed babies in Brazil's largest city are undernourished.

In fact, as a result, the conservative military government of Brazil launched a campaign to encourage mothers to breastfeed their children, according to Jim Brooke of the *Washington Post*.

The report that they found that 32 percent of the bottlefed babies suffered from malnourishment, 32 percent compared to only 9 percent of the breastfed babies. Twenty-three percent of the bottlefed babies had to be hospitalized.

Mr. President, I shall read a few paragraphs from the *Washington Post* article of April 21, speaking of a survey done in Brazil:

The survey findings were echoed in random interviews with mothers in Rocinha, one of Rio's largest—and worst—favelas or shantytowns.

"I started giving [formula] to my baby boy at 1½ months, but he got a stomach infection that almost killed the child," one woman, known only as Nicinha, said as she sat in her two-room house, partially roofed with flattened soy oil cans.

Nicinha said her baby was consuming four cans of formula a week. To save money she diluted the mix with flour, corn meal and cream of rice cereal. At \$2.50 a can, a month's supply of Nestogeno costs \$40, while most wage earners of Rocinha earn Brazil's minimum salary—\$80 a month. The São Paulo study found that formula feeding a baby for one year would require 43 percent of the income of a poor family of four, compared to the cost of breast-feeding, approximately 4 percent.

"The water here also doesn't help," Nicinha said, waving to a green-gray open sewer gurgling three feet from her doorstep. Favela residents get their water from nearby wells, but they say this water is polluted, frustrating efforts to sterilize baby bottles.

Across the sewer and down a narrow, slippery, alley Maria da Conceição sat in her darkened room, nursing her 1-year-old son, Vito.

"They are much stronger," she said of breast-fed babies. "They don't get sick with diseases."

Dr. Amandio Ferreira de Souza, head pediatrician at Rio's Poor Mother Hospital agreed with Maria da Conceição's comments.

"Almost all the diarrhea cases I see are bottle-fed babies," he commented.

Without hesitation, Dr. Amandio said his fellow pediatricians in Rio are "100 percent" in favor of breast-feeding, but for many years his profession was the target of a multifaceted promotional campaign by Nestlé.

Until recently, Nestlé gave a free, one year's supply of powdered milk to Brazilian pediatricians, nutritionists and maternity nurses when they or their wives had children. The São Paulo report found that Nestlé advertising helps support professional journals, and Dr. Amandio said the company frequently sponsors meetings of pediatricians.

Mr. President, as I said before our country is a good country. It is a generous country. It is an honest country. But we have problems of malnourishment, malnutrition, and hunger in our country, and we are only now beginning to accept that and take steps to get rid of it.

We have expressed concern and we have demonstrated our concern in other parts of the world.

S 6488

CONGRESSIONAL RECORD — SENATE

June 18, 1981

But what worries me is that we can wipe out that whole concern overnight by looking as if we are just jumping in bed with some of the multinationals and helping them make billions of dollars at the cost of the lives of thousands and perhaps millions of babies.

It is interesting when we have to pause for a moment and look at some of the issues. The Foreign Relations Committee is meeting now on a matter which I think is an extremely important one, the Israeli attack on the Iraqi nuclear facility, the questions that it raises on stability in the Middle East, the possibility and portentions that it makes for possible nuclear war in that area. These are significant issues.

They should not overshadow this issue because, believe me, from the mail I have received, the people I hear from, the people I have talked with in other parts of the world, this is a major item. When the United States wants to demonstrate its good faith to the rest of the world, when the United States seeks allies around the world, we do not necessarily get those allies by simply building bigger and better battleships or taking obsolete battleships out of mothballs to do it and sail them around the world as though we were Teddy Roosevelt and the great white fleet. We do it by our example. We do it by our respect of human rights. We do it by the constancy of our diplomacy. We do it as much in many areas by moral persuasion as anything else.

The United States must make sure that it does not give itself the image of babykillers because we are not. We are not. And the vote that we saw a few weeks ago unfortunately can be interpreted that way in so much of the world and our enemies will very quickly move to interpret it that way.

It is unfortunate, when so many good American of all political persuasions have made every effort possible to demonstrate the good will of America around the world and have spent billions of dollars of our tax dollars to help other countries. That in the almost frivolous action we can wipe out much of that good will because of a lack of realization of the steps that we have taken and without realizing the complexity of these issues and trying to go through on a wing and a prayer. And I think that that is what has happened here.

This is the way we wipe out years of efforts of trying to develop good faith around the world.

This reflects a catering to commercial interests without considering the overall best interests not only of the United States but also of our allies.

I hope that as a result of the resolution before the Senate and the resolution passed by the other body by a 3-to-1 margin that it will not happen again.

Mr. President, I have been pleased, during the discussions of this issue, with the great concern shown by my colleague from New England, the distinguished Senator from Maine (Mr. MITCHELL). Senator MITCHELL has discussed it with me in great detail, and has attended hearings on this issue. I know when I had the opportunity to

serve with the distinguished Senator from Kansas on the Presidential Commission on World Hunger that I wished the distinguished Senator from Maine had already been in the Senate at that time because I think he might have been a welcome addition to those who testified and appeared before the Commission. He brings a sense of urgency to this vital issue.

I am reminded of another member of that Commission, one who did more really to get the Commission to start than anybody else, folksinger Harry Chapin. Mr. Chapin would come down like a man with a mission, strolled the halls of the House and the Senate to get that Commission started.

I think the sight of Harry Chapin and his guitar, various Senators and Congressmen striding very quickly down the halls with him, became a very familiar one until the Commission on World Hunger was founded.

As a member of the Commission, he urged, so eloquently, the issues we have before us.

So I have to think that on behalf of him, and so many others, that it is good to see new Members take up this issue. It is with a sense of respect that I yield to the distinguished Senator from Maine (Mr. MITCHELL).

Mr. MITCHELL. I thank the Senator.

Mr. President, the decision of the U.S. Government to cast the world's only negative vote against the adoption of the infant formula marketing code was regrettable.

The code is an advisory code; it does not have the legal force of a treaty or other international obligation. It does not require the United States to impose any limits on marketing practices for infant formula domestically, nor does it mandate any restrictions on such practices by U.S. companies operating abroad.

It would require the United States to report back to the World Health Organization as to what steps it has taken to prevent misleading and overly-aggressive selling of infant formula in circumstances where its use is not appropriate.

One hundred eighteen nations voted in Geneva to uphold that code. They are nations that range from industrialized countries like Britain, Canada, Switzerland to the very poorest countries whose babies are most at risk from inappropriate infant feeding practices.

Only the United States of America voted no.

This is not an action in which I, as a citizen of this land, or indeed in which any citizen should take any pride.

By a negative vote, we did not protect the right to free enterprise. Our own laws prohibit misleading advertising. We did not protect the first amendment. The first amendment does not condone unfair business practices.

In 1978, our Congress enacted legislation to protect the quality of infant formula sold here in the United States. That action did not infringe on the rights of any company to conduct its business within the law.

Yet, our Government voted against this international, advisory code because of

claims that the restrictions it recommends against certain marketing practices represent an intrusion on Constitutionally guaranteed rights. That is simply not so.

The purpose of this advisory code is simple, not difficult to understand. It is intended to support the governments of poorer nations in their efforts to protect their people against the blandishments of advertising that implies infant formula is as good as breastfeeding, preferable to breastfeeding, or superior to breastfeeding.

It is designed to help limit the practice of companies dressing their saleswomen in uniforms that look like nurses' uniforms, and sending them to maternity clinics and villages to make the sales pitch to illiterate women that infant formula will make their babies as strong and healthy as European babies, or American babies.

It is designed to prevent these "nurses" giving free samples of formula to postparturient women for a few days, a practice which lets the mother's milk dry up and makes a return to breastfeeding impracticable.

The manufacturers have claimed that they do not engage in these and similar misleading practices any more under a voluntary code of self-restraint. But a report by health professionals, Peace Corps workers and others in the field last year found at least 700 individual instances of abuse.

The manufacturers claim that marketing does not encourage women who can breastfeed to switch to formula. They claim their only goal is to reach those women who cannot breastfeed. If these marketing practices do not, in fact, encourage sales, it is hard to understand why the companies are so adamant against any restrictions.

And it is even more difficult to understand in light of the fact that this code is purely advisory. It mandates nothing.

This question involves much more than ideological arguments over whether we should oppose the anticorporate attitude of some governments. It directly affects the health of new-born babies in Africa, Asia, and Latin America.

Infant formula is meant to be prepared under careful sanitary conditions. It is designed for mothers who understand the nutritional needs of their babies. When it is mixed from a contaminated water supply, when none of the utensils can be sterilized, when illiteracy or misunderstanding combines with poverty to stretch the precious formula by watering it down, when it cannot be refrigerated in a tropical climate, then the use of infant formula is surely inappropriate. When the disposable bottles American mothers use do not exist, and formula is given to a baby from a Coke bottle with a rag tied across the neck then, surely, infant formula is dangerous to infants.

So I am deeply concerned about the implications of our negative vote. Instead of sending the message that we support free economic activity—which we do—that corporate operations play an important constructive role in developing countries, are we instead sending

June 18, 1981

CONGRESSIONAL RECORD—SENATE

S 6489

the message that the economic health of private interests far outweighs any other consideration in the world community?

That is why I am concerned about the administration's overruling the decision reached by the Department of State and Health and Human Resources to abstain on the vote as a mark of U.S. concern about overly broad restrictions on commercial activity. An abstention sends that precise message. A negative vote sends much more.

The drafting of the code had already been substantially modified at U.S. insistence. References to nonmilk-substitute baby foods were eliminated at our insistence. The code was made advisory, rather than being issued as a regulatory code, at our insistence. The language of the code was toned down at our insistence.

All this was done to maintain the unanimity of world concern about the nutrition and health of the most helpless among us, newborn infants.

But, apparently as the results of industry lobbying, the administration has vetoed this advisory recommendation.

A recognition of the sanctity of human life and support for the right of life itself surely goes beyond the most elementary goal of seeking to permit birth. It surely entails obligations to preserve newly-born life and to protect the health of the newborn, as well.

I deeply regret this wrong decision by the U.S. Government to vote against this code.

I thank the Chair and I thank my colleague, Senator LEAHY, for the opportunity to say a few words on this subject.

Mr. LEAHY, I thank the Senator, the distinguished Senator from Maine.

I appreciate the comments of the distinguished Senator from Maine who has expressed a great deal of concern about this issue in the past. I could not emphasize enough what the distinguished Senator from Maine refers to and that is a concern, a concern for life that all of us share. I hope that none of us feel or that no one in this country feels that it is only those who may use a rubric or a slogan, whether it be right to life or any other type of slogan that only they are concerned about lives. I cannot imagine any Member in this body. Republican or Democrat, who is not concerned with human life.

But it has to go beyond merely the rhetoric of being concerned with human life. One has to make sure that reality catches up with that rhetoric and, conversely, that the rhetoric does not overshadow the reality. It is not enough simply to give speeches that say we value and we cherish human life, which we do, it is not enough to say that we will make the world free and safe for all people, unless we take the steps to make sure that those people, especially the most defenseless of them, can live in such a world.

It is not enough to use the rhetoric on the one hand, but then to substitute the reality of a really Faustian alliance with corporations that obviously care little for life and care little for the well being of their customers but care only that there be customers. And so many of these

multinational corporations could care less about the lives of the people in the third world of the emerging nations. They could care less about a right to life no matter how defined.

I think that instead of taking action which seems to appear to condone what they have done, that we should take action that condemns what they do—not just what they have done but what they do—because their activity condemns to death tens of thousands, hundreds of thousands, even millions of infants, born and yet to be born, in Third World countries.

I doubt very much if, for even a moment, these death sentences are discussed in the corporate headquarters of some of these multinationals, but rather, the billions of dollars of profits that are gained by them putting into commerce, putting into commerce, items that—because of the countries they are used in—are as dangerous and deadly as any drug peddler on the streets of any city in the United States or anywhere else in the world.

Is it any more deadly, I ask my colleagues, for a pusher in the cities or back alleys of this country to peddle heroin to an addict, an adult addict who can make a conscious determination of whether they will take that heroin or not? Is it any different, or is it in fact more deadly, than giving polluted, dangerous, unsanitary formula in a bottle ridden with germs, unsterilized, to a 2-month old infant who has no choice at all but respond with a biological urge to eat and in thousands and thousands of instances takes in a more deadly substance than that heroin addict in the back alley of our cities?

And yet every one of us, in or out of the Government, will rise on this floor and condemn the activities of those heroin pushers. But they do not sit in nice, gleaming corporate headquarters.

But you know there is one area I found in our hearings where there is one very near connection. None of those heroin pushers are willing to talk about the profits they make. They do not give out a balance sheet detailing these profits. I know from the hearings conducted by the distinguished Senator from Massachusetts (Mr. KENNEDY) and others, that we found that a lot of these multinationals are not too eager to tell about their profit figures either.

I know in the work that we did with the Hunger Commission we found that a lot of them said it was just a minor matter. A minor matter? The best information we are able to develop is that we are talking about a multibillion dollar market.

And is it not interesting, when the figures get up into the tens of millions, the hundreds of millions and eventually into the billions of dollars, that any question of morality goes right out the window in those plush corporate headquarters?

Mr. President, let us make sure that when we vote on this resolution it is so overwhelming that we send two messages, not only in this land but across the world: First, a message to our own Government that we will never vote this way

again; and, second, to the world that the policy of the United States is not to condone but the policy of the United States is to condemn the activity of these multinationals, an activity that determines the death and guarantees the death of helpless infants through the world.

Mr. President, I realize that there are those who feel that we have taken a great deal of time on this issue on the Senate floor. Mr. President, I have seen far more time taken on housekeeping matters for the Senate. I have seen far more time taken on mischievous amendments to appropriations bills. Mr. President, I can think of few issues that are as important, not only to the people of this country but to the image of our country abroad and, more than image, to the substance of life abroad.

Mr. President, I note on the floor the presence of the distinguished Senator from Massachusetts (Mr. KENNEDY). I know that he wants to speak. He is the Senator who has had the public hearings on this matter and I yield to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I wish to express my very deep sense of appreciation to the Senator from Vermont, my friend, Senator LEAHY, and also to Senator DURENBERGER for their initiative in developing the amendment which is before us today. If I had my "druthers," I would have drafted a resolution which would have deplored the action of the United States in what I consider to be a shameful vote in the World Health Organization on the infant formula code.

It seems to me, Mr. President, that the vote that was cast by the administration in behalf of the United States clearly did not reflect the medical opinion of those who have studied this issue closely over a period of years, whether it has been in the U.S. Senate or within the World Health Organization. I refer to very extensive hearings that our subcommittee in the Labor and Human Resources Committee, the Health and Scientific Research Subcommittee, held in 1978. The vote that we cast at the World Health Organization was not consistent with the medical testimony that was submitted to our subcommittee, a subcommittee that was acting in a bipartisan way with our present Secretary of HHS, Senator Schweiker, who was then the ranking minority member and an extremely active member on this issue, a man who spoke with both knowledge and understanding of the dangers of the dilution of infant formula in the Third World countries.

The vote that was cast in the World Health Organization was also not consistent with the studies that have been done within the World Health Organization, which has a wealth of information on the less developed countries of the world where this infant formula is used and abused.

So the action that was taken by the United States in that international forum is completely inconsistent with what I consider to be the overwhelming

S 6490

CONGRESSIONAL RECORD — SENATE

June 18, 1981

medical testimony that has been gathered not only in the U.S. Senate but in the World Health Organization.

There should be no confusion, Mr. President, by the Senate on this fact.

Second, Mr. President, it is important that the American people, when they read this debate, recognize that there are those of us who are cosponsors of this resolution who believe, and believe very deeply, that if the vote was to be cast in the World Health Organization by the American people, the vote by the United States would have been overwhelmingly in the affirmative on what the World Health Organization had developed—because the American people understand the issue well because we are a compassionate and humane nation and citizenry.

The mothers of this country would have demanded that the United States and its representatives cast an affirmative vote, mothers who, I think, understand the needs of other mothers in the Third World countries, who see their infants die because of the failure of having adequate resources to buy and use infant formula, mothers who understand the agony and the pain of an infant who is on the verge of death because of malnutrition. Maybe mothers in our own society have not looked into the eyes of their own infants and seen them die of malnutrition, but they understand full well what that horror can mean to a parent, to a loved one, to a mother, and to the members of a family. That is what we are talking about here this morning.

International agencies have estimated there will be close to 1 million children who will die in this world of ours because of the misuse of infant formula. There are 15,800,000 children who die every year in this world. Fifteen million two hundred thousand of them die in the Third World from preventable diseases—diseases that could be prevented with immunization and with technology which are already available.

To do this would amount to maybe \$200 to \$300 million—a lot of money, granted, but which pales in comparison to the billions and billions of dollars that we spend in the budget of the United States, money we spend in terms of our own national security.

Sometimes we hear voices which say, "Well, we cannot really immunize those children in Third World countries because we cannot get out into the bush or into rural areas."

Listen to Dr. Davida Coady, who testified before our committee on the problems of nutritional deficiency, whether it be Biafra, Southeast Asia, or Africa. She talked about her visits to some of the most rural and distant parts of the world. And she says in those small villages the one item you can find is infant formula.

It is amazing how they are able to develop and deliver cans of infant formula into the most rural and remote places in the world and still we are unable to get medicines there or develop an immunization program to try and sustain life in many of those same countries.

Mr. President, I remember traveling to the World Health Organization in 1977

and speaking about the abuses of the infant formula. At that time I visited with Dr. Mahler, the head of the World Health Organization, urging his personal intervention in the development of a code. Also, I remember his inquiring of me whether there would be support by the United States for the fashioning, shaping, and development of an infant formula code.

I could not possibly conceive of the possibility that the United States would not be out front in trying to lead the world in an area which is of such great importance and significance for millions and millions of people throughout the world in the fashioning and the shaping of an infant formula code.

I recall returning from that World Health Organization and working with the then Senator Schweiker in the development of this very extensive set of hearings on the medical implications of failing to develop an infant formula code, and returning to the World Health Organization in 1979 and speaking with the delegates at that assembly about the progress that had been made in the development of an infant formula code.

Then I heard the first rumblings in the early part of this year that the United States was thinking of voting negative—not in the affirmative or abstaining with objections, other possible votes that the United States could take. Now we were considering casting our vote in the negative, being the only nation in the world to cast our vote in the negative on an issue that will not even affect the United States but will only affect the other countries of the world if they take the appropriate remedial action which will protect their people.

It is a voluntary code, to be accepted or rejected by the individual nations, but the U.S. position was, in effect, saying, "We are not even going to urge that Third World countries even consider this particular code."

How shameful our vote, Mr. President, and how shameful our action.

It seems to me, Mr. President, that this resolution does, in some measure, give an opportunity for the elected representatives of the American people to indicate what I stated earlier—that, if this issue had been decided by the American people rather than by this administration, there would have been a very clear, powerful voice that would have spoken and voted in the affirmative and placed the United States where the United States should be placed. That is in a leadership role for its concern for humanity and its concern for children, its concern for suffering, anguish, and pain, and its concern for our fellow human beings who share this planet with us.

On the issue of whether it is the survival of infants or the profit margins of major international drug companies, who profit so dramatically from infant formulas, there would have been no equivocation, there would have been no hesitation. The voice of the United States and the vote of the United States would have been aye.

Mr. President, this resolution gives us some opportunity to speak on this issue and to indicate by our support for it that

we reject the position of the administration on this question and that, on this resolution, we express the position of the American people and vote aye.

Again, Mr. President, I commend the Senator from Vermont and the Senator from Minnesota for their leadership in this issue.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter which I sent to Secretary Schweiker in April of this year on this issue, in which I was joined by Senator PELL and Senator HATFIELD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON LABOR
AND HUMAN RESOURCES,

Washington, D.C., April 10, 1981.

HON. RICHARD S. SCHWEIKER,
Secretary of Health and Human Services,
Washington, D.C.

DEAR MR. SECRETARY: We are writing to express our hope that you will give your support to a consensus which has been developed by the World Health Organization on a voluntary code of marketing of breastmilk substitutes (infant formula). As you will remember, it was the work of the Senate Health Subcommittee in 1978 which highlighted the serious health consequences in the developing world associated with the use of infant formula. In May, 1980 the full Senate Committee on Foreign Relations in its report on the foreign aid legislation, endorsed the recommendations of the WHO/UNICEF special meeting, of October 1979, on Infant and Young Child Feeding. The Committee's report stated "The Committee wishes to go on record in support of WHO and UNICEF's efforts to formulate an internationally observed Code for the appropriate marketing and distribution of breastmilk substitutes."

In our view, the WHO Code deals with this issue in a sensible manner. Its voluntary nature also argues for our support. The WHO has been able to effect a compromise solution which apparently has the support of the developing world countries, virtually the entire health community, our European allies and at least the acquiescence of the European manufacturers involved who now constitute some 90 percent of the actual production of the infant formula.

We believe that it is in the American interest to join this consensus. If necessary, reservations could be made on those points in the Code that cause serious problems for the industry. We believe that a negative vote would be directly counter to our own interest and would place us in a position of opposing a major step toward reducing sickness and death among Third World infants. We have written to Secretary Haig on this matter as well.

We hope that you will take these views into consideration as you consider the U.S. position at the upcoming World Health Assembly.

Sincerely,

EDWARD M. KENNEDY.
CLAIBORNE PELL.
MARK O. HATFIELD.

Mr. LEAHY. Mr. President, I thank the Senator from Massachusetts for his statement, and I find myself in total agreement. I could not help but think during the hearings held by the Senator from Massachusetts that the case was made so persuasively by people who had no political ax to grind at all. They were people who were just involved in world health care, concerned people.

June 18, 1981

CONGRESSIONAL RECORD—SENATE

S 6491

Mr. KENNEDY. Will the Senator yield on that point?

Mr. LEAHY. Yes.

Mr. KENNEDY. I should like also to have printed, Mr. President, the witness list of individuals who appeared in a public forum that a number of Senators held on this issue last month. This just reinforces the point made by the Senator from Vermont. For we had on this panel Bishop Francis Murphy, who is the chairman of the Archdiocesan panel of Justice and Peace Commission of Baltimore, but also representing the Catholic bishops. We had Rabbi David Sapperstein, who is the director of the Religious Action Center of the Union of American Hebrew Congregations and the Central Conference of Rabbis and Mr. Louis Knowles, who is associate professor of public health of the University of California at Los Angeles.

Quite frankly, these were three representatives of the three different denominations of religion in the United States. But we could have had a panel, that would have continued to be testifying even today, of those who are concerned about the moral implications of the vote of the United States and our responsibilities in terms of the hungriest and neediest people of the world. There was no equivocation, no hesitation from that group.

On the third panel, there was Dr. Davida Coady, who has been appearing before our committee since the early 1970's. Formerly Davida Taylor, she is an outstanding nutritionist, who first worked in Biafra. She now works at UCLA as a nutritionist, teaches there for 6 months of the year and takes 6 months of the year to work in an underdeveloped country. Her final words to the Members of the Senate at the forum were that she does not mind the deprivation and she does not mind being separated from her loved ones and the members of her own family for 6 months at a time, doing that year after year; that while she was troubled by the extent of poverty that she saw in the Third World and the suffering that she saw, the one thing she pleaded for was for the United States not to be undermining what she and others had dedicated their lives to; that is, trying to provide at least some semblance of a nutritious diet for infants in the Third World.

She felt that if the Congress of the United States could do anything in this area, maybe we are not in a position to do all the positive things that we would like to do, but for God's sake, do not permit the kinds of abuses that we have seen with infant formula. Mr. President, this is a person who has years of professional experience in this area.

There was also Dr. Michael Latham, professor of international nutrition, Cornell University, who was on a study mission I sent to Africa. Also Douglas Johnson, who has been national chairperson of the Infant Formula Action Coalition. Then there were the extremely courageous Dr. Stephen Joseph, who was the Deputy Assistant Administrator of Human Resources Development, and Eugene Babb, Deputy Assistant Administrator for Food and Nutrition, AID.

I think it is probably appropriate at this point to note that these two individuals, men of conscience, preferred to resign their official positions rather than be a part of a decisionmaking process that ran so completely contrary to their consciences. They had careers of dedication to the interests of the United States in the service of their country and the foreign service of our Nation, but they finally came to a point where they said, on this issue, "Enough is enough," and they stood with the American people. I think at a time of a lot of cynicism and skepticism about bureaucrats and people who run Government agencies, these two individuals stand out as stars, individuals who wanted to come down on the side of the American people on this issue rather than with the administration's decision, which ran so completely contrary to their conscience. I think in this whole dialog and development of a Senate record, they ought to understand that their actions speak powerfully and their service to their country is respected and understood by many.

(Mrs. HAWKINS assumed the chair.)

Mr. LEAHY. Madam President, if the Senator will yield, I am remarkably proud of both those men. The irony of it is that they had to resign their positions because they had tried to defend the United States from taking an action that was sure to bring about worldwide condemnation—and it did.

The further irony of it is that what they were doing was taking a position that I am confident reflects the feeling and the will of people of both political parties, of all ideologies throughout the country. Had the United States taken their position, we could have increased our credibility within the Third World, we could have shown our dedication to humanity, and we could have shown our dedication to basic rights of life.

Yet, because they were not listened to, they had to resign; and the United States went into a position that brought about condemnation from around the world, raised serious questions about our responsiveness to the Third World, and was a position that was an enormous propaganda gift to those countries that are opposed to the United States.

Here, all the things that the United States does not want to do, the United States ended up doing. The two courageous people who tried to keep the United States from making a terrible mistake were forced to resign their positions. We cannot say enough good about them, and I am pleased by the recognition they have received in the other body for their activity.

Mr. KENNEDY. I thank the Senator for his comments.

Madam President, I ask unanimous consent to have the witness list printed in the Record.

There being no objection, the witness list was ordered to be printed in the Record, as follows:

WITNESS LIST

PANEL I

Ms. Linda Kelsey, Actress, Los Angeles, Calif.

Rev. Daniel Driscoll, Maryknoll Order, Ossining, N.Y.

Sister Margaret Moran, Medical Mission Order, Philadelphia, Pa.

PANEL II

Bishop P. Francis Murphy, Auxiliary Bishop of Baltimore, Chairman of Archdiocesan, Justice and Peace Commission of Baltimore.

Rabbi David Sapperstein, Director of Religious Action Center of Union of American Hebrew Congregation and the Central Conference of American Rabbis.

Mr. Louis Knowles, Coordinator for Hunger Concerns, National Council of Churches in the U.S., New York, N.Y.

PANEL III

Davida Coady, M.D., Associate Professor of Public Health, University of California at Los Angeles.

Dr. Michael Latham, Professor of International Nutrition, Cornell University, Ithaca, N.Y.

Mr. Douglas Johnson, National Chairperson, Infant Formula Action Coalition, Minneapolis, Minnesota.

PANEL IV

Dr. Stephen Joseph, Deputy Assistant Administrator, Human Resources Development.

Mr. Eugene Babb, Deputy Assistant Administrator for Food and Nutrition, Agency for International Development.

Mr. LEAHY. Madam President, the witness list that has just been placed in the Record by the distinguished Senator from Massachusetts is interesting because, as he has said, the hearings could have gone on, with a continuing witness list, until now, and it could have continued beyond. We would have heard more and more of the same, more and more documentation. In fact, of the various hearings or meetings I have attended, I have been to very few where the documentation on a subject was so thorough, so complete, and so persuasive.

It is interesting to look at what might be said on the other side. About the strongest support I have heard given for the activity of the multinational sale of baby formula and the way they have done it was, "well, it really doesn't amount to very much business, and it really doesn't amount to very much activity on our part and, therefore, why the fuss?"

The obvious question we ask then is, "How much business does it amount to?"

"Well, we have differing kinds of accounting methods, et cetera, so we don't give the answer."

Madam President, as nearly as we can tell, the business amounts into the billions of dollars. That is why, as I said before, money wins out over morality in this question. That is why those in the corporate headquarters—well-fed, well-cared-for—can close their eyes to the suffering and the deaths of infants throughout the third world. It is a case in which one would think that any person with a spark of human conscience would condemn, not condone, the activity we are seeing.

Madam President, I know there have been times when some other justification has been tried to be given for this. The Baltimore Sun published an article last year on this matter in which Edwin T. Frantz, the vice president of Stouffer's tried to defend the activity of Nestles in this regard. I will read a response by Dr. Carl E. Taylor, who is professor and

chairman of the Department of International Health at Johns Hopkins University. His response appeared in the Baltimore Sun of September 13, 1980. Dr. Taylor said:

Editor: The Saturday, August 23, edition of *The Sun* carried an article by Edwin T. Frantz, vice-president of Stouffer's, a Nestle affiliate, that is full of self-serving distortions and inaccuracies. In setting the record straight it is important to realize that the current counter-offensive against the "Nestle Boycott" by representatives of affiliated subsidiaries such as the Rusty Scupper indicates that the boycott is being remarkably effective.

(1) It is the worst kind of distortion by association to imply that because use of Nestle's infant formulas has increased in developing countries they can take credit for the decline in infant mortality which has occurred in spite of Nestle's activities.

It is outright fallacious to say, "Nestle has been the strongest supporter of breast-feeding of infants." The well documented truth, which I have seen myself in many countries where we have research projects, is that infant formula representatives use unscrupulous sales tactics.

For instance, women dressed like nurses have handed out free samples to lactating mothers, then when the breast milk dried up the poor mother had to buy formula—a process analogous to a drug pusher. Because of cost, the mother dilutes the formula so much that it only colors the water and is totally inadequate nutritionally.

(2) The argument downplaying the role of bottles in transmitting infections is also spurious. Even though infected water would be used with a spoon and cup, the dosage of infectious agents would be much less.

An inadequately sterilized bottle with milk residue is one of the bacterial world's most delicious culture media. It is almost impossible to clean a bottle and nipple except with sophisticated equipment, whereas a cup and spoon can be readily cleaned and sun dried. Use of bottles is actually and symbolically associated with formula feeding while gruels are, in most local cultures, automatically eaten with local utensils.

(3) It is scientifically untrue that supplementing breast-feeding with gruels of cereals and lentils leads to "serious infant nutrition problems." Breast-feeding, even by an undernourished mother, provides the protein needed so that even cassava or arrowroot supplements provide the added calories sufficient to sustain excellent growth.

(4) It is not true that formula use is limited to the urban middle class. I have a picture of a typical shop in a remote village two weeks trek into Nepal with the shopkeeper breast-feeding her own infant while the shelves behind her are loaded with infant formula.

(5) Nestle and the other infant formula companies are not leading the current worldwide move to promote breast-feeding as is claimed but are being dragged along kicking and screaming to cooperate with the new "code" for ethical behavior of infant formula sales which is being drafted under the auspices of the World Health Organization and UNICEF.

This was written, as I have said, on September 13 of last year. The code he spoke of is the code that the United States, all by itself throughout the world, voted against.

I quote Dr. Taylor again:

The saddest indictment against their attitude is that when this code came up for vote at the last World Health Assembly, the United States stood almost alone in voting against it. The U.S. position was taken over the vehement objections of U.S. health professionals because of pressure on the State

Department from the Department of Commerce.

Much of the international credibility generated by U.S. church groups and others who have led the boycott was neutralized by that one vote and a slow retrieval of our position is now going to be necessary. Obviously the boycott of all Nestle affiliates including the Rusty Scupper, is still needed to show that we care.—Carl E. Taylor, M.D.

Madam President, I do not stand here suggesting boycotts. I stand here suggesting the United States stand for world health, that the United States stand for decent nutrition, and that the United States stand for the war against malnourishment and hunger.

Madam President, I have said over and over again, and I will say it once more, that we have no difficulty in this country of condemning drug peddlers and drug pushers. I join in that condemnation. I join in condemning the criminal activity that they carry out but especially the human misery that is caused by those addicted to them.

But you know it is easy for us to condemn the drug pusher and the drug peddler. The drug pushers and drug peddlers are not among our friends and our associates. They are outside the pale. They are outside decent company and decent people. So we can condemn them.

But what happens when those who are as bad as any drug peddler or any drug pusher, when the corporate executive determines that we will addict the mothers and infants of the Third World into unsafe, unsanitary bottle feeding, we will subject them to disease, to malnourishment, to hunger, often to death? Do they not deserve the condemnation of us, of our people, of our Government, of our country as much as an international drug peddler and drug pusher? And could it be that that condemnation does not occur because they are just nice people, because they have nice homes, because they work in nice buildings and they go to nice clubs and they have nice political affiliations, and they have nice adherence to the tenets of the free enterprise system?

In my former career as a prosecutor I could point to a lot of heroin peddlers who belonged to nice clubs and had nice affiliations, political and otherwise, and it might appear as if they were nice people, who would stand up and say they were all in favor of the free enterprise system. In fact, one of the regulations they would like to get rid of is the law against heroin peddling and let the free market seek its own level.

That is what we are doing here. In the guise of free enterprise we end up condemning to death thousands, perhaps millions of infants.

Even there we blew it. Even on the strictly commercial sense we blew it, because as the Journal of Commerce stated, "If the United States abstains or votes no on the infant formula code we believe it will gain little or possibly lose much in its effort to restore U.S. credibility and influence with the developing world."

I refer, Madam President, back to the Vancouver, Wash., Colombian which said, "The ethics of a public policy that puts corporate profits before infant starvation are questionable, indeed."

I expect the Record will carry a num-

ber of pages pro and con on this issue, speeches delivered on the floor and speeches not delivered on the floor. I wonder if any of those speeches say it better than that.

The Oskaloosa, Iowa, Herald:

We say human beings and the preservation of health and life are more important goals.

The Hartford Courant, May 21, 1981:

The code, which the Reagan administration opposes for ideological reasons, is only a partial but necessary step toward protecting the health and welfare of mothers and children.

This is from the Conway, Ark., Log Cabin Democrat, May 21, 1981:

America, the world's leader in sharing its medical knowledge, equipment, and personnel with other nations, got a black eye with this vote.

The Minneapolis Tribune, May 21, 1981:

But potential health benefits from application of the code outweigh its bureaucratic drawbacks.

The San Francisco Examiner, May 22, 1981:

It is saddeping that the Government has given, for no good reason, the adversaries of this country an emotional club with which to beat us over the head. Even if it happened to cost us something (which it wouldn't), we need to show a good deal more concern on this question and reverse our national position.

The Marshall, Minn., Independent, May 22, 1981:

Surely the Reagan administration is operating out of ignorance. Surely our President and other top Government officials do not want to cast our country in the role of a childkiller and, worse, one who does so for profit.

The Catholic Review, May 22, 1981:

Despite overwhelming evidence that such marketing practices by multinational corporations like Nestle and Bristol-Myers are detrimental to the health of young children, the U.S. took the risk of destroying its own credibility in world health and trade circles.

I commend very much my distinguished colleague from Minnesota in sponsoring with me and with the others this resolution.

Madam President, I am willing to yield to the Senator from Minnesota if he prefers. I will have further things to say before the vote.

Madam President, I suggest the absence of a quorum and ask unanimous consent that I may do so without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURENBERGER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURENBERGER. Madam President, I clarify—

The PRESIDING OFFICER. Under the previous order the Senator from Vermont was to be recognized.

Mr. LEAHY. I yield to the Senator from Minnesota.

Mr. DURENBERGER. Madam Presi-

June 18, 1981

CONGRESSIONAL RECORD—SENATE

S 6493

dent, I first clarify a one-word error that appears in the printed amendment No. 72, which is under consideration.

On page 3, line 17, the fourth word on that line should read "member" rather than "number" as in the original amendment introduced yesterday.

Madam President, I have appreciated the opportunity to listen to a variety of statements in support of this resolution yesterday and again this morning, and while others are anxious that this matter be brought to a vote and that the underlying bill be disposed of, I think it is important that those who do have something to say on this issue have the opportunity to say it.

A lot has been said today, in particular, about mothers and about children, and I will not try to add my own feelings on that score, although it is important and relatively easy to do it.

I noted in the Record during the consideration of a similar resolution before the House of Representatives on Tuesday that Congresswoman PAT SCHROEDER took the opportunity to say that she has been waiting for a long time for a "motherhood" issue to come along on which to speak. She felt this was such an issue.

But I would add another dimension that I think is very important to the consideration of this particular amendment. Earlier this morning there was a group of about 40 young Minnesotans, all Future Farmers of America, in the gallery. Prior to their coming over here I had the opportunity to speak with them and to answer some of their questions. The first question I was asked by these young people was on this particular issue, although when they asked the question they had no idea I was today involved with this amendment.

I asked them why this issue was of importance to them, and they said very simply:

We and our families feel that our mission in life is to feed the hungry, and we have a deep concern for the people of the third world and for our opportunities to provide them with the necessities of life. We are kind of confused by the vote of our Government with regard to the infant formula issue.

That gave me the opportunity, Madam President, to speak to a part of America and a part of the world that I think has been neglected so far in this debate. The unique thing about Americans around this world is the fact that they bring the same kind of compassion and the same kind of commitment to their fellow men and women wherever they go in the world and wherever they find the need. They bring an experience, they bring an expertise, they bring money, they bring food, they bring whatever they can to share with other people.

For the many years that Americans have been leaving this country to go to developing countries around this world, we have found them coming back to this country saying:

Can't we do more? Can't we do it better? Can't we better feed the hungry and clothe the naked and educate the young and develop job opportunities and whatever may be needed so that the people in other parts

of the world can have the opportunity that we have in this country?

Americans, as several people have indicated here this morning, have been taking a part of their lives and sharing it with other people without any compensation other than knowing that they have fulfilled a part, and probably the most important part, of their mission here in life.

So I think it is important to say on behalf of every one of those Americans—whether they have had the opportunity to go abroad and to work in underdeveloped nations with people, or whether they have been here wishing they could—that the vote on May 21 has not changed America's role in providing for the needs of those less fortunate.

Now, part of the amendment that is before us speaks to our concern as Members of this Congress with the negative vote and our concern that the vote has subjected the U.S. policy in the health area to widespread misinterpretation. I think that is the key to the issue before us here today.

We heard all of the editorials recited from all over the United States of America indicating that America sent the wrong signal abroad. We heard the Senator from Vermont read a portion of Linda Kelsey's letter. I would want the Senator from Vermont and all my colleagues to know that Linda Kelsey's compassion and concern, and the sacrifices she has made, I think, from the fact that she was born, raised, and educated in St. Paul, Minn. She exemplifies people like Doug Johnson who, for several years, has been trying from a Minnesota base to bring the concerns of this issue before the American people.

So we have heard all of the misinterpretation in one way or another.

The other side of it is expressed by constitutional lawyers, principally Sam Ervin, for example, who said:

Whether or not constitutional issues have been raised by World Health Organization action is crucial.

The debate over the World Health Organization's proposed international code to regulate the marketing of infant food products has so far centered on whether it is healthier for mothers to breastfeed their babies or to use infant formula.

The draft code is a totalitarian document. It would undermine the basic American values of free speech, free press and free competition in the marketplace.

At least one newspaper, the Chicago Tribune, as I recall, in a May 20, 1981 editorial, said in part:

The code, which is voluntary but which WHO wants all nations to incorporate into their laws and regulations, sharply curtails the way baby formula can be advertised and marketed.

It gives some examples. It goes on to say:

The United States is right to vote against a code it would not incorporate into American law—and right to oppose this initial adventure into the regulation of international marketing of products.

So, Madam President, I would suggest that what we are doing here is not so much condemning a policy, because I do not think that that vote represented a

policy. It would appear from a careful reading of the record leading up to the decision to cast a negative vote that the fault here is not with the policy of our new President, the fault is not with the policy of the new administration. The fault probably lies with the process of decisionmaking by which any new administration comes to decisions on issues like this.

I would recommend to my colleagues the statement of Congressman JIM LEACH of Iowa who, on Tuesday, in the House debate on a similar resolution addressed this particular problem. I will just quote one concluding comment from the Congressman's statement. This was in support of the House resolution, which passed overwhelmingly:

All administrations take time to establish decisionmaking processes with which a new President can feel comfortable. I would hope that the infant formula issue would become a case study in decisionmaking, to ascertain whether refinements in the recently established process are in order.

I would suggest, Madam President, that there are times when it is important to stand alone on principle. But no one here has argued that the U.S. vote was wrong because it was the only "no" vote. It is of great concern to all of us, however, when our country stands alone and the bottom line of the issue involved is the most basic of health issues, the life of the newborn.

The amendment has been carefully crafted, with the help of the Senator from Vermont and the Senator from Kansas (Mr. Dole), to make sure that that bottom line is American policy. The bottom line reaffirms the dedication of the United States to the protection of the lives of all the world's children and the support of the United States for efforts to improve world health; it endorses the work of AID and the World Health Organization and UNICEF; it encourages international health organizations and their member states to continue combating infant illness by improving sanitation and by improving water quality; and it urges the U.S. Government and the breast milk substitute industry to support the basic aim of the code and to cooperate with the governments of all countries in their efforts to develop health standards and programs designed to implement the objectives of the code.

So the Senator from Vermont is correct when he says a signal will be sent by this amendment, and that that signal will principally be our concern for the impression that that vote has left on the people of the world about American policy.

Those of us who proposed this amendment believe that that was not the vote that should have been cast. Senator Dole yesterday expressed his concern when he said that the administration could have accomplished its objectives by other means, principally by abstaining on this issue and by indicating its reasons for doing so.

But in the end, Madam President, it is crucial whether we who represent the American people criticize a decision or criticize an underlying policy. In this

S 6494

CONGRESSIONAL RECORD—SENATE

June 18, 1981

case, it is my opinion that the decision warrants criticism; the policy does not.

I have no concern that this President or that this administration has differed or varied or traveled any distance from the commitment that American individuals and the American Government have made for many years to improve the health of the children of this world. I hope they improve their decisionmaking process when it comes to these and related issues. And I, too, believe that this amendment will insure that a similar vote will not be cast in the future.

I yield back to the Senator from Vermont in the hopes that we may be able to, at the convenience of our colleagues, conclude this matter in perhaps the next 10 minutes or so.

Mr. LEAHY. Madam President, I will conclude for myself very soon. I probably just have 2 or 3 minutes. I am afraid if I talk much longer on the subject, I may do irreparable damage to the image that Vermont has taciturnity and I certainly would not want to do that.

I must state to my colleagues, in now starting my second term in the Senate, I have had very few issues that have concerned me as greatly as a person, as a parent, and as an American as this issue, because ultimately it is a very great moral issue.

The actions taken by our country reflect so much what kind of an image we will have throughout the world. I use that word "image" in the truest sense of the word, because I want an image of our Nation that reflects the goodness of our people, reflects the concern of our people, and especially reflects the great concern that Americans have always had for their children, a concern that we have over and over again expressed for the children of the world. I hate to think that an action we take as a country could wipe out that image almost overnight. So I hope there will be an overwhelming vote in the Senate today so that we do not do that.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WARNER). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I have been reading excerpts from certain newspapers around the country. I would like to refer to several of them at this point.

The South Bend Tribune, on May 23, 1981, stated:

No amount of explanation will erase the stigma of our vote. We are giving up world leadership for business reasons.

The Fayetteville, N.C., Observer, on May 25, 1981, stated:

Is the Reagan administration allowing the interests of big business to prevail over those of mothers and children? That is the smell of it.

The Kansas Times, on May 25, 1981, stated:

In failing to support a humanitarian World Health Assembly resolution favoring

mother's breast milk as infant food at the expense of commercial substitutes, the United States shamed itself. Not only did it decline to stand beside 117 other nations of the world declaring concern for the dangers to children in underdeveloped countries posed by infant formulas, this administration served unqualified notice that it is not interested in being a symbolic moral leader.

The Buffalo Evening News, on May 26, 1981, stated:

It is unfortunate that the Reagan administration found it necessary to cast a vote that unduly stressed legalistic issues to the exclusion of the health concerns involved in the infant formula debate. The decision . . . contributed nothing to the image of either the present administration or the nation.

The Valley Advocate, Northampton, Mass., on May 27, 1981, stated:

Shame seems often to be the underbelly of bravado. Yet, in the government's latest swagger before the world community there is a schism that is becoming familiar. Those who committed the indiscretion remain smug while the outcry of high-ranking, respected officials and our consciences reveal a depth of humiliation.

The Bucks County, Pa., Times, in May 1981, stated:

It is painfully obvious that decisions like this one will not endear the administration to the leaders of the worlds underdeveloped nations. In some cases, our legitimate interests make it impossible to accommodate them. But the controversy over infant formula appears to be a case of the administration going out of its way to be insensitive to their concerns.

The Philadelphia Inquirer, in May 1981, stated:

The controversy is literally a motherhood issue, and the White House has put the United States on the wrong side of it.

Mr. President, in summation, we have heard the debate, and I think we have made a good record here. In this record, I think we have emphasized the fact that the American people not only disagree greatly with the vote that was cast earlier, but also disagreed very much with the fact that commercial interests are being allowed to run rampant over human interests; that money has been allowed to ease out morality.

I would emphasize once again to my colleagues that we cannot stand here and condemn drug peddlers and drug pushers and say how bad they are because of what they do to their victims and close our eyes to those who, in the guise of commercialism and the free enterprise system, condemn just as greatly the infants of the Third World. Infant formula manufacturers and dispensers have done precisely that.

It is a shame on world trade. I rather suspect that this country, at least, in future votes, will emphasize that we do indeed feel it is a shame.

Mr. President, our country is a good country; it is an honest country. It is a country with a heart and a country with a great sense of morality.

I would hope that neither our own citizens nor the rest of the world judge our country on a vote that was, quite frankly, in my estimation, a bad, bad mistake. I would hope they would look at the action we are about to take here in the Senate and the action taken in the other body to reflect our true nature.

Mr. President, I am perfectly willing to yield back the remainder of my time should the Senator from Minnesota be willing, and go ahead with the vote.

Mr. DURENBERGER. Mr. President, the Senator from Vermont is correct. I think the world will judge us on this vote today, not on the May 21 vote. I think that is why this amendment and this vote are so important.

I want to conclude by expressing my appreciation to the Senator from Vermont for his longstanding efforts in this regard, for his particular understanding in putting together this amendment, and for his concerted efforts to bring a broader appreciation to the world of America's concern for the health of the young.

Mr. LEVIN. Mr. President, I am pleased to be a cosponsor of the amendment which has been offered by Senators LEAHY, DURENBERGER, and DOLE which expresses the Senate's concerns regarding the U.S. delegation's negative vote on the World Health Organization's international code of marketing of breast-milk substitutes.

This amendment, if approved by the Senate, will send a clear message to those who have legitimately questioned the administration's decision to vote against the code that the Congress supports the goals established by the World Health Organization—that of protecting the health of infants and mothers in developing nations through proper marketing procedures.

Mr. President, we have known for some time that studies indicate that infants in the Third World have suffered from diseases and in some instances, death from the misuse of infant formula. Yesterday the Washington Post reported that a study recently completed by a San Francisco social advocacy law firm indicated that misuse of infant formula is not restricted to developing nations. According to the report published by the law firm, pediatricians in the Los Angeles metropolitan area who were questioned about the use of infant formula by the poor indicated that misuse has resulted in "diarrhea, gastroenteritis, vomiting, dehydration and malnourishment." If there was evidence that children are dying from improper use of breastmilk substitutes in this country, I am confident that the administration would act promptly to control marketing procedures. I believe that we have some responsibility to assist in protecting the lives of children in Third World countries.

While the Reagan administration's objections to the code have centered upon concerns, the U.S. lone vote against the code was interpreted by countries all over the world as a vote against the goal of protecting the lives of mothers and infants. This amendment will reaffirm our support for the World Health Organization's work to protect the health of infants in developing countries and I am hopeful that it will also encourage the administration to make a stronger commitment to the goals established in the code.

Mr. CHAFEE. Mr. President, this amendment will serve to correct any unfortunate misimpression that the United

June 18, 1981

CONGRESSIONAL RECORD—SENATE

S 6495

States is unconcerned about the health of the world's poorest children.

Infant mortality throughout the Third World has reached epidemic proportions. Today 21 young children die every minute throughout the developing countries from hunger related causes, primarily diarrhea and other infectious diseases. This amendment merely states what is the preponderant view of the medical profession and the scientific community—that breastfeeding is a nutritional source of uncontaminated food which also provides necessary protection against potentially deadly diseases faced by young children in developing countries. By doing so, this amendment will hopefully clear up any misinterpretation that might lead to the conclusion that breastfeeding is, in any way, an inferior food source.

There is also an undeniable danger that reliance upon infant formula in areas where safe and sterile formula preparation is not possible, can result in widespread infant diarrhea—the largest single cause of infant deaths in the poorest regions of the Third World. Under such circumstances, it is only prudent that governments consider ways to control excessive promotional practices. It is here as well that this amendment is designed to correct any misimpression by stating the intent of the Congress not to discourage other countries from adopting standards to protect the health of their citizens.

Finally, this amendment urges greater efforts to improve sanitation and water quality thereby bringing about healthier infant feeding practices where mothers can not or choose not to breast feed.

This country cares deeply about the world's poor and their children. I urge my colleagues to support this amendment which will send the message clearly and unambiguously that we are concerned.

● Mr. BAUCUS. Mr. President, I have for years been concerned, frustrated and frightened about the misuse of infant formula throughout the world. I carefully followed the infant formula hearings Senator KENNEDY held several years ago, and I am proud to be an original cosponsor of the Infant Formula Act of 1980 which this body adopted last year.

Personally, I was amazed and ashamed by the vote this country cast at the World Health Assembly of the World Health Organization on the International Code of Marketing of Breastmilk Substitutes.

The fact is, Mr. President, that the brilliant, sophisticated, and extremely successful marketing techniques of the world's multinational corporations and our own American corporations are in a large way contributing to the poisoning and death of thousands of infants throughout the world.

Successful marketing is not necessarily good marketing. Brilliant, sophisticated, and extremely successful marketing is not enough. Marketing must also be responsible. That's what the WHO voluntary code on infant formula was all about, responsible marketing.

No one should dispute that there is a need for breast milk substitutes. There is a place for infant formula when breast

feeding is impossible and the understanding and resources for correct preparation are available.

There should be no place for breast milk substitutes in conditions of poverty, illiteracy, and disease, where babies are in desperate need of the unique antibodies found only in breast milk, when the mother is capable of breast feeding.

Infant formula manufacturers are in business to make money. They make money by selling baby formula. They see an ever-expanding market in developing countries whose population booms at unbelievable rates. They have fabulous marketing techniques. Poor, illiterate mothers are easy targets. Aggressive marketing stimulates increased consumption under hazardous conditions and consequently, thousands of babies fall ill and die. This has all been carefully documented.

One last point, Mr. President. I am not quite sure what the link is, but I find it worth noting that the nation with one of the highest rates of infant mortality in the industrialized world cast the only vote against the voluntary code on the marketing of infant formula.

Children everywhere deserve protection from malnutrition and disease. Passage of this amendment is a very small symbol of our commitment to this protection. I urge passage of this amendment. ●

Mr. DURENBERGER. Mr. President, I have no further comments on this issue. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota.

Mr. BAKER. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from California (Mr. HAYAKAWA), the Senator from New Hampshire (Mr. RUDMAN), the Senator from New Mexico (Mr. SCHMITT), and the Senator from Texas (Mr. TOWER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Arkansas (Mr. BUMPERS), the Senator from Colorado (Mr. HART), the Senator from New York (Mr. MOYNIHAN), the Senator from Michigan (Mr. RIEGLE), and the Senator from Tennessee (Mr. SASSER) are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Mr. RIEGLE) and the Senator from Tennessee (Mr. SASSER) would each vote "yea."

The PRESIDING OFFICER (Mr. SYMMS). Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 89, nays 2, as follows:

[Rollcall Vote No. 157 Leg.]

YEAS—89

Abdnor	Boren	Cannon
Andrews	Boschwitz	Chafee
Armstrong	Bradley	Chiles
Baker	Burdick	Cochran
Baucus	Byrd	Cohen
Bentsen	Harry F., Jr.	Cranston
Biden	Byrd, Robert C.	D'Amato

Danforth	Huddleston	Nunn
DeConcini	Humphrey	Packwood
Denton	Imouye	Pell
Dixon	Jackson	Percy
Dodd	Jepson	Pressler
Dole	Johnston	Proxmire
Domenici	Kassebaum	Pryor
Durenberger	Kasten	Quayle
Eagleton	Kennedy	Randolph
Exon	Laxalt	Roth
Ford	Leahy	Sarbanes
Garn	Levin	Simpson
Glenn	Long	Specter
Goldwater	Lugar	Stafford
Gorton	Mathias	Stennis
Grassley	Matsunaga	Stevens
Hatch	Mattingly	Thurmond
Hatfield	McClure	Tsongas
Hawkins	Meicher	Wallop
Heflin	Metzenbaum	Warner
Heinz	Mitchell	Weicker
Helms	Murkowski	Williams
Hollings	Nickles	Zorinsky

NAYS—2

East Symms

NOT VOTING—9

Bumpers	Moynihan	Sasser
Hart	Riegle	Schmitt
Hayakawa	Rudman	Tower

So Mr. DURENBERGER's amendment (No. 72) was agreed to.

Mr. PERCY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PERCY. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors: Senators PRESSLER, HEINZ, and PERCY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. There is no time for debate.

Mr. LEAHY. Mr. President, I ask unanimous consent that I may proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I commend my colleagues for this overwhelming vote on this amendment. I think it expresses very clearly what should be the position of the United States and I hope that in future votes the administration and anyone involved with it will listen very carefully to the overwhelming vote by this body and the other body, that should have been the vote before the 34th World Health Assembly on the Code of Marketing of Breastmilk Substitutes.

The PRESIDING OFFICER (Mr. WARNER). The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

S 6496

CONGRESSIONAL RECORD—SENATE

June 18, 1981

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from California (Mr. HAYAKAWA), the Senator from New Hampshire (Mr. RUDMAN), the Senator from New Mexico (Mr. SCHMITT), and the Senator from Texas (Mr. Tower), are necessarily absent.

I further announce that, if present and voting, the Senator from Texas (Mr. Tower), would vote "yea."

Mr. CRANSTON. I announce that the Senator from Arkansas (Mr. BUMPERS), the Senator from Colorado (Mr. HART), the Senator from New York (Mr. MOYNIHAN), and the Senator from Tennessee (Mr. SASSER) are necessarily absent.

I further announce that, if present and voting, the Senator from Tennessee (Mr. SASSER) would vote "yea."

The PRESIDING OFFICER. Have all Senators in the Chamber voted?

The result was announced—yeas 88, nays 4, as follows:

[Rollcall Vote No. 158 Leg.]

YEAS—88

Abdnor	East	McClure
Andrews	Exon	Melcher
Armstrong	Ford	Metzenbaum
Baker	Garn	Mitchell
Baucus	Glenn	Murkowski
Bentsen	Goldwater	Nickles
Biden	Gorton	Nunn
Boren	Hatch	Packwood
Boschwitz	Hatfield	Pell
Bradley	Hawkins	Percy
Burdick	Heinz	Pressler
Byrd	Helms	Pryor
Harry F., Jr.	Hollings	Quayle
Byrd, Robert C.	Huddleston	Randolph
Cannon	Humphrey	Riegle
Chafee	Inouye	Roth
Chiles	Jackson	Sarbanes
Cochran	Jepson	Simpson
Cohen	Johnston	Specter
Cranston	Kassebaum	Stafford
D'Amato	Kasten	Stennis
Danforth	Kennedy	Stevens
DeConcini	Laxalt	Symms
Denton	Leahy	Thurmond
Dixon	Levin	Tsongas
Dodd	Long	Wallop
Dole	Lugar	Warner
Domenci	Mathias	Weicker
Durenberger	Matsunaga	Williams
Eagleton	Mattingly	

NAYS—4

Grassley	Proxmire	Zorinsky
Heilin		

NOT VOTING—8

Bumpers	Moynihan	Schmitt
Hart	Rudman	Tower
Hayakawa	Sasser	

So the bill (S. 1193), as amended, was passed, as follows:

S. 1193

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—DEPARTMENT OF STATE

SHORT TITLE

Sec. 101. This title may be cited as the "Department of State Authorization Act, Fiscal Years 1982 and 1983".

AUTHORIZATIONS OF APPROPRIATIONS

Sec. 102. (a) There are authorized to be appropriated for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law, the following amounts:

(1) For "Administration of Foreign Affairs", \$1,318,754,000 for the fiscal year 1982 and \$1,248,059,000 for the fiscal year 1983.

(2) For "International Organizations and Conferences", \$523,806,000 for the fiscal year 1982 and \$514,436,000 for the fiscal year 1983.

(3) For "International Commissions", \$22,508,000 for the fiscal year 1982 and \$22,432,000 for the fiscal year 1983.

(4) For "Migration and Refugee Assistance", \$560,850,000 for the fiscal year 1982 and \$467,750,000 for the fiscal year 1983, of which not less than \$18,750,000 shall be made available only for the resettlement of Soviet and Eastern European refugees in Israel.

(b) Of the amounts authorized to be appropriated by section 102(a)(1) of this Act for the fiscal years 1982 and 1983, \$2,085,000 shall be available for each such fiscal year only for expenses to operate and maintain consular posts at Turin, Italy; Salzburg, Austria; Goteborg, Sweden; Bremen, Germany; Nice, France; Mandalay, Burma; and Brisbane, Australia.

(c) Of the amounts authorized to be appropriated by section 102(a)(2) of this Act \$45,800,000 shall be available in fiscal year 1982 and \$45,800,000 shall be available in fiscal year 1983 only for the Organization of American States for the payment of 1982 and 1983 assessed United States contributions and to reimburse the Organization of American States for payments under the tax equalization program to employees who are United States citizens.

(d) Of the amounts authorized to be appropriated by section 102(a)(4) of this Act, \$1,500,000 shall be available in fiscal year 1982 and \$1,500,000 shall be available in fiscal year 1983 only for the International Committee of the Red Cross to support the activities of the protection and assistance program for "political" detainees.

PALESTINIAN RIGHTS UNITS

Sec. 103. Funds appropriated under paragraph (2) of section 102 of this Act may not be used for payment by the United States, as its contribution toward the assessed budget of the United Nations for any year, of any amount which would cause the total amount paid by the United States as its assessed contribution for that year to exceed the amount assessed as the United States contribution for that year less—

(1) 25 percent of the amount budgeted for that year for the Committee on the Exercise for the Inalienable Rights of the Palestinian People (or any similar successor entity), and

(2) 25 percent of the amount budgeted for that year for the Special Unit on Palestinian Rights (or any similar successor entity).

RESTRICTION OF FUNDS TO UNITED NATIONS WHICH WOULD PROVIDE POLITICAL BENEFITS TO THE PALESTINE LIBERATION ORGANIZATION

Sec. 104. (a) None of the funds authorized to be appropriated under paragraph (2) of section 102 of this Act may be used for payment by the United States toward the assessed budget of the United Nations, or any of its specialized agencies, which would cause the total contribution of the United States to exceed its assessed contribution less 25 percent of the amount budgeted by such agency for projects of which the primary purpose is to provide political benefits to the Palestine Liberation Organization or entities associated with it.

(b) The President shall annually review the budget of the United Nations, and of its specialized agencies, to determine which programs have the primary purpose of providing political benefit to the Palestine Liberation Organization and shall report to Congress the programs and amounts for which the United States assessment is withheld.

(c) This section shall not be construed as limiting United States contributions to the United Nations, or its specialized agencies for programs for which the primary purpose is to provide humanitarian, educational, developmental and other nonpolitical benefits to the Palestinian people.

EX GRATIA PAYMENT

Sec. 105. Of the amount appropriated for the fiscal year 1982 under paragraph (1) of section 102 of this Act, \$81,000 shall be available for payment ex gratia to the Government of Yugoslavia as an expression of concern by the United States Government for the injuries sustained by a Yugoslav national as a result of an attack on him in New York City.

BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS

Sec. 106. In addition to the amounts authorized to be appropriated by section 102 of this Act, there are authorized to be appropriated to the Secretary of State \$3,700,000 for the fiscal year 1982 and \$3,700,000 for the fiscal year 1983 for payment of the United States share of expenses of the science and technology agreements between the United States and Yugoslavia and between the United States and Poland.

PASSPORT FEES AND DURATION

Sec. 107. (a) The first sentence of section 1 under the headings "FEES FOR PASSPORTS AND VISAS" of the Act of June 4, 1920 (22 U.S.C. 214), is amended to read as follows: "There shall be collected and paid into the Treasury of the United States a fee, prescribed by the Secretary of State by regulation, for each passport issued and a fee, prescribed by the Secretary of State by regulation, for executing each application for a passport."

(b) (1) Section 2 of the Act entitled "An Act to regulate the issue and validity of passports, and for other purposes", approved July 3, 1926 (22 U.S.C. 217a), is amended to read as follows:

"Sec. 2. A passport shall be valid for a period of ten years from the date of issue, except that the Secretary of State may limit the validity of a passport to a period of less than ten years in an individual case or on a general basis pursuant to regulation."

(2) The amendment made by this subsection applies with respect to passport issued after the date of enactment of this Act.

INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW AND THE HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW

Sec. 108. Section 2 of the joint resolution entitled "Joint Resolution to provide for participation by the Government of the United States in the Hague Conference on Private International Law and the International (Rome) Institute for the Unification of Private Law, and authorizing appropriations therefor", approved December 30, 1963 (22 U.S.C. 269g-1), is amended by striking out "except that" and all that follows through "that year".

PAN AMERICAN RAILWAY CONGRESS

Sec. 109. Section 2(a) of the joint resolution entitled "Joint Resolution providing for participation by the Government of the United States in the Pan American Railway Congress, and authorizing an appropriation therefor", approved June 28, 1948 (22 U.S.C. 280k), is amended by striking out "Not more than \$15,000 annually" and inserting in lieu thereof "Such sums as may be necessary".

PAN AMERICAN INSTITUTE OF GEOGRAPHY AND HISTORY

Sec. 110. Paragraph (1) of the first section of Public Resolution 42, Seventy-fourth Congress, approved August 2, 1935 (22 U.S.C. 273), is amended by striking out "not to exceed \$200,000 annually."

INTERNATIONAL ORGANIZATIONS IN VIENNA

Sec. 111. Amend section 2 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287e) by adding at the end thereof the following new subsection:

"(h) The President, by and with the advice and consent of the Senate shall appoint a representative of the United States to the Vienna office of the United Nations

June 18, 1981

CONGRESSIONAL RECORD—SENATE

S 6497

with appropriate rank and status who shall serve at the pleasure of the President and subject to the direction of the Secretary of State. Such person shall, at the direction of the Secretary of State, represent the United States at the Vienna office of the United Nations, and perform such other functions there in connection with the participation of the United States in international organizations as the Secretary of State from time to time may direct."

LIVING QUARTERS FOR THE STAFF OF THE UNITED STATES REPRESENTATIVE OF THE UNITED NATIONS

Sec. 112. Section 8 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287e), is amended:

(1) by striking "the representative of the United States to the United Nations referred to in paragraph (a) of Section 2 hereof" and inserting in lieu thereof "the representatives provided for in Section 2 hereof and of their appropriate staffs", and

(2) by adding at the end thereof the following: "Any payments made by the United States Government personnel for occupancy by them of such leased or rented premises shall be credited to the appropriation, fund, or account utilized by the Secretary for such lease or rental, or to the appropriation, fund, or account currently available for such purposes."

BUYING POWER MAINTENANCE FUND

Sec. 113. (a) Section 24(b) of the State Department Basic Authorities Act of 1953 (22 U.S.C. 2696(b)), is amended to read as follows:

"(b)(1) In order to maintain the levels of program activity provided for each fiscal year by the annual authorizing legislation for the Department of State, \$20,000,000 of the fund authorized by section 102 may be used to offset adverse fluctuations in foreign currency exchange rates, or overseas wage and price changes, which occur after November 30 of the calendar year preceding the enactment of the authorizing legislation for such fiscal year.

"(2) In order to eliminate substantial gains to the approved levels of overseas operations, the Secretary of State shall transfer to the appropriation account established under paragraph (1) of this subsection such amounts in other appropriation accounts under the heading "Administration of Foreign Affairs" as the Secretary determines are excessive to the needs of the approved level of operations because of fluctuations in foreign currency exchange rates or changes in overseas wages and prices.

"(3) Funds transferred from the appropriation account established under paragraph (1) shall be merged with and be available for the same purpose, and for the same time period, as the appropriation account to which transferred; and funds transferred to the appropriation account established under paragraph (1) shall be merged with and available for the purposes of that appropriation account until expended. Any restriction contained in an appropriation Act or other provision of law limiting the amounts available for the Department of State that may be obligated or expended shall be deemed to be adjusted to the extent necessary to offset the net effect of fluctuations in foreign currency exchange rates or overseas wage and price changes in order to maintain approved levels."

(b) Section 704(c) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1477b(c)) is amended by striking out "preceding" and inserting in lieu thereof "calendar year preceding the enactment of the authorizing legislation for such".

(c) Section 8(a)(2) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2287(a)(2)) is amended by striking out "preceding" in the first sentence and inserting in lieu thereof "calendar year preced-

ing the enactment of the amendments to paragraph (1) which provide the authorization for such."

(d) The amendments made by this section shall take effect on October 1, 1981.

ASIA FOUNDATION

Sec. 114. In addition to the amounts authorized by section 102, \$4,500,000 is authorized to be appropriated in fiscal year 1982 for the Asia Foundation in furtherance of that organization's purposes as described in its charter. Such funds are to be made available to the Foundation by the Department of State in accordance with the terms and conditions of a grant agreement to be negotiated between the Department of State and the Asia Foundation. Funds appropriated under this section are authorized to remain available until expended.

INTER-AMERICAN FOUNDATION

Sec. 115. (a) Section 401(s)(2) of the Foreign Assistance Act of 1969 (22 U.S.C. 290f(s)) is amended to read as follows:

"(2) There is authorized to be appropriated not to exceed \$12,000,000 for the fiscal year 1982 to carry out the purposes of this section. Amounts appropriated under this paragraph are authorized to remain available until expended."

(b) Section 401(h) of the Foreign Assistance Act of 1969 (22 U.S.C. 290f(h)) is amended to read as follows:

"(h) Members of the Board shall serve without additional compensation, but shall be reimbursed for travel expenses, including per diem in lieu of subsistence, in accordance with section 5703 of title 5, United States Code, while engaged in their duties on behalf of the corporation."

DEPENDENT TRAVEL

Sec. 116. (a)(1) The first sentence of section 5924(4)(B) of title 5, United States Code, is amended by striking out "American secondary or" and inserting in lieu thereof "American secondary education or, in the case of dependents of an employee other than an employee of the Department of State or the International Communication Agency, to obtain an American".

(2) Section 5924 of such title is amended—

(A) by inserting "(a)" immediately before the first sentence; and

(B) by adding at the end thereof the following:

"(b)(1) An employee of the Department of State or of the International Communication Agency in a foreign area is entitled to the payment of the travel expenses incurred by the employee in connection with the travel of a dependent of the employee to or from a school for the purpose of obtaining an undergraduate college education.

"(2) Paragraph (1) shall apply—

"(A) to two round trips each calendar year, and

"(B) to travel expenses which—

"(i) are extraordinary and necessary expenses incurred in providing adequate education for such dependent because of the employee's service in a foreign area or areas, and

"(ii) are not otherwise compensated for."

(b) The amendments made by subsection (a) shall take effect on October 1, 1981.

DUTIES OF CHIEF OF MISSION

Sec. 117. (a) Each chief of diplomatic mission of the United States in a foreign country shall have as a principal duty the promotion of United States goods and services for export to such country.

(b) For purposes of subsection (a), the term "chief of diplomatic mission" has the same meaning as given to the term "chief of mission" in section 102(a)(3) of the Foreign Service Act of 1980.

INFANT NUTRITION

Sec. 118. (a) Congress finds there is overwhelming scientific evidence that breast-

feeding has substantial advantages for infant health and growth, that it offers an uncontaminated food supply, an early transfer of antibodies protective against infectious diseases, and a naturally evolved and tested nutritional source, and that it is an important factor in bonding between mother and child.

(b) Congress is concerned that numerous studies, in a wide variety of developed and developing countries, over a long period of time, have shown that improper use of breastmilk substitutes is associated with higher rates of illness and death, and in poor communities, with lessened growth and nutrition. The problem of unrefrigerated breastmilk substitutes prepared with polluted water and placed in contaminated bottles is further complicated by insects and heat in tropical climates.

(c) It is estimated that one hundred million of the one hundred and twenty-five million children in the world below the age of one are born in developing countries. Congress is concerned that ten million of these one hundred million will probably not live until their first birthday and that diarrhea and other infectious diseases, when combined with the problems of malnutrition, account for more than half of these deaths.

(d) Congress is further concerned that the health of those infants whose mothers are unable to provide them adequate breastmilk—whether for physical, economic, or cultural reasons—also be protected.

(e) Congress is concerned with the negative vote cast by the United States on May 21, 1981, at the Twenty-Fourth World Health Assembly of the World Health Organization on the "International Code of Marketing of Breastmilk Substitutes", and is further concerned that the vote has subjected United States policy to widespread misinterpretation.

(f) Therefore, the Congress—

(1) reaffirms the dedication of the United States to the protection of the lives of all the world's children and the support of the United States for efforts to improve world health;

(2) endorses the work being done by the Agency for International Development (AID), the World Health Organization (WHO), and the United Nations Children's Fund (UNICEF) across the broad front of problems associated with infant and young child nutrition;

(3) encourages the international health organizations, and their member states, to continue combating infant illness by improving sanitation and water quality; and

(4) urges the United States Government and the breastmilk substitute industry to support the basic aim of the Code and to cooperate with the governments of all countries in their efforts to develop health standards and programs designed to implement the objectives of the Code.

TITLE II—INTERNATIONAL COMMUNICATION AGENCY

SHORT TITLE

Sec. 201. This title may be cited as the "International Communication Agency Authorization Act, Fiscal Years 1982 and 1983".

AUTHORIZATIONS OF APPROPRIATIONS

Sec. 202. There are authorized to be appropriated for the International Communication Agency \$561,402,000 for the fiscal year 1982 and \$482,340,000 for the fiscal year 1983 to carry out international communication, educational, cultural, and exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Numbered 2 of 1977, and other purposes authorized by law.

CHANGES IN ADMINISTRATIVE AUTHORITIES

Sec. 203. (a)(1) Title III of the United States Information and Educational Ex-

change Act of 1948 (22 U.S.C. 1451-1453) is amended—

(A) in section 301 by striking out "citizen of the United States" and inserting in lieu thereof "person"; and

(B) in sections 302 and 303 by striking out "citizen of the United States" and inserting in lieu thereof "person in the employ or service of the Government of the United States";

(2) Such title is further amended—

(A) in section 301—

(i) by striking out "Secretary" the first place it appears and inserting in lieu thereof "Director of the International Communication Agency"; and

(ii) by striking out "Secretary" the second place it appears and inserting in lieu thereof "Director"; and

(B) in section 303 by striking out "Secretary" and inserting in lieu thereof "Director of the International Communication Agency".

(3) Section 302 of such Act is amended—

(A) in the second sentence by striking out "section 901(3) of the Foreign Service Act of 1946 (60 Stat. 999)" and inserting in lieu thereof "section 905 of the Foreign Service Act of 1980"; and

(B) in the last sentence by striking out "section 1765 of the Revised Statutes" and inserting in lieu thereof "section 5536 of title 5, United States Code".

(b) Section 802 of such Act (22 U.S.C. 1472) is amended—

(1) by inserting "(a)" immediately after "SEC. 802."; and

(2) by adding at the end thereof the following new subsections:

"(b)(1) Any contract authorized by subsection (a) and described in paragraph (3) of this subsection which is funded on the basis of animal appropriations may nevertheless be made for periods not in excess of five years when—

"(A) appropriations are available and adequate for payment for the first fiscal year; and

"(B) the Director of the International Communication Agency determines that—

"(i) the need of the Government for the property or service being acquired over the period of the contract is reasonably firm and continuing;

"(ii) such a contract will serve the best interests of the United States by encouraging effective competition or promoting economies in performance and operation; and

"(iii) such method of contracting will not inhibit small business participation.

"(2) In the event that funds are not made available for the continuation of such a contract into a subsequent fiscal year, the contract shall be canceled and any cancellation costs incurred shall be paid from appropriations originally available for the performance of the contract, appropriations currently available for the acquisition of similar property or services and not otherwise obligated, or appropriations made for such cancellation payments.

"(3) This subsection applies to contracts for the procurement of property or services, or both, for the operation, maintenance, and support of programs, facilities, and installations for or related to radio transmission and reception newswire services, and the distribution of books and other publications in foreign countries."

(c) Paragraph (16) of section 804 of such Act (22 U.S.C. 1474(16)) is amended by inserting "and security vehicles" immediately after "right-hand drive vehicles".

(d) Title VIII of such Act (22 U.S.C. 1471-1475b) is amended by adding at the end thereof the following new section:

"ACTING ASSOCIATE DIRECTORS

"SEC. 808. If an Associate Director of the International Communication Agency dies, resigns, or is sick or absent, the Associate

Director's principal assistant shall perform the duties of the office until a successor is appointed or the absence or sickness stops."

(e) Paragraphs (18) and (19) of section 804 of such Act (22 U.S.C. 1476 (18 and (19)) are amended—

(1) by striking out "and" at the end of paragraph (18); and

(2) by striking out the period at the end of paragraph (19) and inserting the following:

"; and

"(20) purchase motion picture, radio and television producers' liability insurance to cover errors and omissions or similar insurance coverage for the protection of interests in intellectual property."

(f) Section 1011 of the United States Information and Educational Exchange Act of 1948, as amended, is amended by adding at the end thereof the following new subsection:

"(i) Foreign currencies which were derived from conversions made pursuant to the obligation of informational media guaranties and which have been determined to be unavailable for, or in excess of, the requirements of the United States and transferred to the Secretary of the Treasury, shall be held until disposed of, and any dollar proceeds realized from such disposition shall be deposited in miscellaneous receipts. As such currencies become available for such purposes of mutual interest as may be agreed to by the governments of the United States and the country from which the currencies derive, they may be sold for dollars to agencies of the United States Government."

(g) Title VIII of the United States Information and Educational Exchange Act of 1948, as amended, is revised by the addition of the following section:

"SEC. 809. Cultural exchanges, international fairs and expositions, and other exhibits or demonstrations of United States economic accomplishments and cultural attainments provided for under this Act or the Mutual Educational and Cultural Exchange Act of 1961 shall not be considered "public work" as that term is defined in section 1 of the Defense Base Act, as amended (section 1651 (b) of title 42 of the United States Code)."

LIQUIDATION OF THE INFORMATIONAL MEDIA GUARANTY FUND

SEC. 204. Section 1011(h) of such Act (22 U.S.C. 1442(h)) is amended by adding at the end thereof the following new paragraph:

"(4) Section 701(a) of this Act shall not apply with respect to any amounts appropriated under this section for the purpose of liquidating the notes (and any accrued interest thereon) which were assumed in the operation of the informational media guaranty program under this section and which were outstanding on the date of enactment of this paragraph."

INTERNATIONAL EXCHANGES AND NATIONAL SECURITY

SEC. 205. (a) Congress finds that—

(1) United States Government sponsorship of international exchange-of-persons activities has, during the postwar era, contributed significantly to United States national security interests;

(2) during the 1970's, while United States programs declined dramatically, Soviet exchange-of-persons activities increased steadily in pace with the Soviet military buildup;

(3) as a consequence of these two trends, Soviet exchange-of-persons programs now far exceed those sponsored by the United States Government and thereby provide the Soviet Union an important means of extending its worldwide influence;

(4) the importance of competing effectively in this area is reflected in the efforts of major United States allies, whose programs also represent far greater emphasis

on exchange-of-persons activities than is demonstrated by the current United States effort; and

(5) with the availability of increased resources the United States exchange-of-persons program could be greatly strengthened, both qualitatively and quantitatively.

(b) It is therefore the sense of Congress that—

(1) United States exchange-of-persons activities should be strengthened;

(2) the allocation of resources necessary to accomplish this improvement would constitute a highly cost-effective means of enhancing United States national security; and

(3) because of the integral and continuing national security role of exchange-of-persons programs, such activities should be accorded a dependable source of long-term funding.

(c) Beginning in fiscal year 1982, exchange-of-persons programs administered by the International Communication Agency shall, over a four-year period, be expanded to a level, in real terms, three times that in effect on the date of the enactment of this Act.

DISTRIBUTION WITHIN THE UNITED STATES OF THE FILM ENTITLED "IN THEIR OWN WORDS"

SEC. 206. (a) Notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461)—

(1) the Director of the International Communication Agency shall make available to the Administrator of General Services a master copy of the film entitled "In Their Own Words"; and

(2) the Administration shall reimburse the Director for any expenses of the Agency in making that master copy available, shall secure any licenses or other rights required for distribution of that film within the United States, shall deposit that film in the National Archives of the United States, and shall make copies of that film available for purchase and public viewing within the United States.

(b) Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the International Communication Agency.

TITLE III—BOARD FOR INTERNATIONAL BROADCASTING

SHORT TITLE

SEC. 301. This title may be cited as the "Board for International Broadcasting Authorization Act, Fiscal Years 1982 and 1983"

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 302. There are authorized to be appropriated for the Board for International Broadcasting \$98,317,000 for fiscal year 1982 and \$98,317,000 for fiscal year 1983.

ADDITIONAL FUNDING

SEC. 303. Notwithstanding the provisions of section 8b of Public Law 93-129, not to exceed \$6,195,000 of the gain realized during fiscal year 1981 through upward fluctuations in foreign currency exchange rates shall be made available to compensate for losses incurred as a result of the bomb explosion at RFE/RL, Inc., Munich headquarters on February 21, 1981, and for additional RFE/RL, Inc., operating expenses as might be deemed appropriate.

MEMBERSHIP OF THE RFE/RL BOARD AND THE BIB

SEC. 304. (a) The Board for International Broadcasting Act of 1973 is amended by adding at the end thereof the following new section:

"MERGER OF THE BOARD FOR INTERNATIONAL BROADCASTING AND THE RFE/RL BOARD

"SEC. 11. (a) Effective January 1, 1982, no grant may be made under this Act to RFE/RL, Incorporated, unless the certificate of incorporation of RFE/RL, Incorporated, has been amended to provide that—

"(1) the Board of Directors of RFE/RL,

June 18, 1981

CONGRESSIONAL RECORD—SENATE

S 6499

Incorporated, shall consist of the members of the Board for International Broadcasting and of no other members; and

"(2) such Board of Directors shall make all major policy determinations governing the operation of RFE/RL, Incorporated, and shall appoint and fix the compensation of such managerial officers and employees of RFE/RL, Incorporated, as it deems necessary to carry out the purposes of this Act.

"(b) Compliance with the requirement of paragraph (1) of subsection (a) shall not be construed to make RFE/RL, Incorporated, a Federal agency or instrumentality."

(b)(1) Section 3(b)(1) of such Act is amended to read as follows:

"(b)(1) COMPOSITION OF BOARD.—The Board shall consist of ten members, one of whom shall be an ex officio member. The President shall appoint, by and with the advice and consent of the Senate, nine voting members, one of whom he shall designate as chairman. Not more than five of the members of the Board appointed by the President shall be of the same political party. The chief operating executive of RFE/RL, Incorporated, shall be an ex officio member of the Board and shall participate in the activities of the Board, but shall not vote in the determinations of the Board."

(2) Sections 3(b)(3) and (4) of such Act are amended to read as follows:

"(3) TERM OF OFFICE OF PRESIDENTIALLY APPOINTED MEMBERS.—The term of office of each member of the Board appointed by the President shall be three years, except that the terms of office of the individuals initially appointed as the four additional voting members of the Board who are provided for by the Board for International Broadcasting Authorization Act, fiscal years 1982 and 1983, shall be one, two, or three years (as designated by the President at the time of their appointment) so that the terms of one-third of the voting members of the Board expire each year. The President shall appoint, by and with the advice and consent of the Senate, members to fill vacancies occurring prior to the expiration of a term, in which case the members so appointed shall serve for the remainder of such term. Any member whose term has expired may serve until his successor has been appointed and qualified.

"(4) TERM OF OFFICE OF THE EX OFFICIO MEMBER.—The ex officio member of the Board shall serve on the Board during his or her term of service as chief operating executive of RFE/RL, Incorporated."

RADIO FREE CUBA

SEC. 305. Any program of the United States Government involving radio broadcasts to Cuba for which funds are authorized to be appropriated under this Act or any other Act shall be designated as "Radio Free Cuba".

TITLE IV—ARMS CONTROL AND DISARMAMENT AGENCY

SHORT TITLE

SEC. 401. This title may be cited as the "Arms Control and Disarmament Agency Act, Fiscal Years 1982 and 1983".

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 402. Section 49(a) of the Arms Control and Disarmament Act (22 U.S.C. 2589(a)) is amended to read as follows:

"Sec. 49. (a) To carry out the purposes of this Act, there are authorized to be appropriated—

"(1) for the fiscal year 1982, \$18,268,000 and such additional amounts as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs, and to offset adverse fluctuations in foreign currency exchange rates, and

"(2) for the fiscal year 1983, such sums as may be necessary to carry out the purposes of this Act.

Amounts appropriated under this subsection are authorized to remain available until expended."

SECURITY CLEARANCES

SEC. 403. Section 45(a) of the Arms Control and Disarmament Act (22 U.S.C. 2585 (a)) is amended by inserting the following new sentence after the second sentence thereof: "In the case of persons detailed from other Government agencies, the Director may accept the results of fullfield background security and loyalty investigations conducted by the Defense Investigative Service or the Department of State as the basis for the determination required under this subsection that the person is not a security risk or of doubtful loyalty."

ANTISATELLITE ACTIVITIES

SEC. 404. Section 31(b) of the Arms Control and Disarmament Act (22 U.S.C. 2571) is amended by striking the "," and inserting the following phrase: "and of all aspects of anti-satellite activities."

TITLE V—MISCELLANEOUS PROVISIONS
REPEALS; TECHNICAL AMENDMENTS

SEC. 501. (a) The following provisions of law are repealed:

(1) Section 408 of the Act entitled "An Act to authorize appropriations for fiscal years 1980 and 1981 for the Department of State, the International Communication Agency, and the Board for International Broadcasting", approved August 15, 1979 (22 U.S.C. 287c note).

(2) (A) Section 121(b) (22 U.S.C. 1175 note),

(B) section 122(b) (22 U.S.C. 2280 note),

(C) section 203 (22 U.S.C. 1461-1 note),

(D) section 504(e) (22 U.S.C. 3656(e)),

(E) section 601(b) (92 Stat. 985),

(F) section 603(c) (22 U.S.C. 2656 note),

(G) section 608(c) (22 U.S.C. 2656d note),

(H) section 609(c) (92 Stat. 989),

(I) section 610(c) (22 U.S.C. 2151 note),

(J) section 611(b) (22 U.S.C. 1731 note),

(K) section 613(b) (22 U.S.C. 2370 note),

(L) section 705(a) (22 U.S.C. 2151 note),

(M) section 709 (22 U.S.C. 2161 note), and

(N) section 711 (22 U.S.C. 2220a note), of the Foreign Relations Authorization Act, Fiscal Year 1979.

(3) (A) Section 107(b) (91 Stat. 846),

(B) section 109(a)(7) (22 U.S.C. 2384 note),

(C) section 414(b) (22 U.S.C. 1041 note),

(D) section 501 (91 Stat. 857),

(E) section 503(b) (91 Stat. 858),

(F) section 505 (22 U.S.C. 2151 note), and

(G) section 513 (19 Stat. 862),

of the Foreign Relations Authorization Act, Fiscal Year 1978.

(4) Section 403 of the Foreign Relations Authorization Act, Fiscal Year 1977 (22 U.S.C. 2871 note).

(5) Sections 102(b) (89 Stat. 756) and

503(b) (89 Stat. 772) of the Foreign Relations Authorization Act Fiscal Year 1976.

(6) Section 15 of the State Department/USIA Authorization Act, Fiscal Year 1975 (22 U.S.C. 2151 note).

(b)(1) The Foreign Relations Authorization Act, Fiscal Year 1979, is amended—

(A) in section 121, by striking out "(a)";

(B) in section 122, by striking out "(a)";

(C) in section 601, by striking out "(a)";

(D) in section 611, by striking out "(a)";

(E) in section 613, by striking out "(a)"; and

(F) in section 705, by striking out "(a)".

(2) The Foreign Relations Authorization Act, Fiscal Year 1978, is amended—

(A) in section 107, by striking out "(a)";

(B) in section 414, by striking out "(a)";

(C) in section 503, by striking out "(a)"; and

(D) in section 505, by striking out "(a)".

(3) The Foreign Relations Authorization Act, Fiscal Year 1976, is amended—

(A) in section 102, by striking out "Sec.

102. (a) Except as provided in subsection

(b), no" and inserting in lieu thereof "Sec.

102. No"; and

(B) in section 503, by striking out "(a)".

UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION

SEC. 502. (a) The Congress finds that—

(1) the First Amendment of the Constitution of the United States upholds the principle of freedom of the press;

(2) Article 19 of the Universal Declaration of Human Rights states that "everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers";

(3) the signatories to the Final Act of the Conference on Security and Cooperation in Europe concluded in 1975 in Helsinki, Finland, pledged themselves to foster "freer flow and wider dissemination of information of all kinds", and to support "the improvement of the circulation of, access to, and exchange of information";

(4) the Constitution of the United Nations Educational, Scientific, and Cultural Organization itself is committed to "promote the free flow of ideas by word and image"; and

(5) a free press is vital to the functioning of governments.

(b) The Congress hereby expresses its opposition to—

(1) efforts by the United Nations Educational, Scientific, and Cultural Organization to attempt to regulate news content and to formulate rules and regulations for the operation of the world press; and

(2) efforts by some countries further to control access to and dissemination of news.

PROMOTION OF FREE PRESS

SEC. 503. (a) It is the sense of the Congress that none of the funds authorized to be appropriated under paragraph (2) of section 102 of this Act may be used for payment by the United States toward the assessed budget of the United Nations Educational, Scientific and Cultural Organization if such payment would cause the total contribution of the United States to the United Nations Educational, Scientific and Cultural Organization to exceed its assessed contribution less 25 percent of the amount made available by the United Nations Educational, Scientific, and Cultural Organization for projects or organizational entities the effect of which is to license journalists or their publications, to censor or otherwise restrict the free flow of information within or between countries, or to impose mandatory codes of journalistic practice or ethics.

(b) The Secretary of State shall prepare and transmit annually to the Congress a report on the implementation of this section.

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

SEC. 504. (a) Section 6(4) of the Japan-United States Friendship Act is amended by striking out "and not to exceed 5 per centum annually of the principal of the Fund" and inserting in lieu thereof a comma and the following: "any amount of the contributions deposited in the Fund from nonappropriated sources pursuant to paragraphs (2) or (3) of this section, and not to exceed 5 per centum annually of the principal of the total amount appropriated to the Fund".

(b) Section 7(e) of such Act is amended by inserting after "amounts received" the following: "(including amounts earned as interest on, and proceeds from the sale or redemption of, obligations purchased with amounts received)".

REPORT

SEC. 505. (a) Not later than sixty days after the date of enactment of this section, the President shall prepare and transmit to the Congress a full and complete report on the total cost of Federal, State, and local efforts to assist refugees and Cuban and Haitian

S 6500

CONGRESSIONAL RECORD—SENATE

June 18, 1981

entrants within the United States or abroad for each of the fiscal years 1981 and 1982. Such report shall include and set forth for each such fiscal year—

(1) the costs of assistance for resettlement of refugees and Cuban and Haitian entrants within the United States or abroad;

(2) the costs of United States contributions to foreign governments, international organizations, or other agencies which are attributable to assistance for refugees and Cuban and Haitian entrants;

(3) the costs of Federal, State, and local efforts other than described in paragraphs (1) and (2) to assist, and provide services for, refugees and Cuban and Haitian entrants; and

(4) administrative and operating expenses of Federal, State, and local governments which are attributable to programs of assistance or services described in paragraphs (1), (2), and (3); and

(5) administrative and operating expenses incurred by the United States because of the entry of such aliens into the United States.

(b) For purposes of this section—

(1) the term "refugees" is used within the meaning of paragraph (42) of section 101(a) of the Immigration and Nationality Act; and

(2) the phrase "Cuban and Haitian entrants" means Cubans and Haitians paroled into the United States, pursuant to section 212(d)(5) of the Immigration and Nationality Act, during 1980 who have not been given or denied refugee status under the Immigration and Nationality Act.

TITLE VI—PEACE CORPS AUTONOMY

SHORT TITLE

SEC. 601. This title may be cited as the "Peace Corps Autonomy Act".

ESTABLISHMENT AS AN INDEPENDENT AGENCY

SEC. 602. Effective on the date of enactment of this Act, the Peace Corps shall be an independent agency within the executive branch and shall not be an agency within the ACTION Agency or any other department or agency of the United States.

TRANSFER OF FUNCTIONS

SEC. 603. (a) There are transferred to the Director of the Peace Corps all functions relating to the Peace Corps which were vested in the Director of the ACTION Agency on the day before the date of enactment of this Act.

(b)(1) All personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds as are determined by the Director of the Office of Management and Budget, after consultation with the Comptroller General of the United States, the Director of the Peace Corps, and the Director of the ACTION Agency, to be employed, held, or used primarily in connection with any function relating to the Peace Corps before the date of the enactment of this Act are transferred to the Peace Corps. The transfer of unexpended balances pursuant to the preceding sentence shall be subject to section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c).

(2)(A) The transfer pursuant to this section of full-time personnel (except special Government employees) and parttime personnel holding permanent positions shall not cause any employee to be separated or reduced in rank, class, grade, or compensation, or otherwise suffer a loss of employment benefits for one year after—

(i) the date on which the Director of the Office of Management and Budget submits the report required under section 606, or

(ii) the effective date of the transfer of such employee, whichever occurs later.

(B) The personnel transferred pursuant to this section shall, to the maximum extent

feasible, be assigned to such related functions and organizational units in the Peace Corps as such personnel were assigned to immediately before the date of enactment of this Act.

(C) Collective-bargaining agreements in effect on the date of enactment of this Act covering personnel transferred pursuant to this section or employed on such date by the Peace Corps shall continue to be recognized by the Peace Corps until the termination date of such agreements or until a mutual modification by the parties otherwise specifies.

(3) Under such regulations as the President may prescribe, each person who does not hold an appointment under section 7(a)

(2) of the Peace Corps Act and who is determined under paragraph (1) to be employed primarily in connection with any function relating to the Peace Corps shall, effective on the date of enactment of this Act, be appointed a member of the Foreign Service under the authority of section 7(a)(2) of the Peace Corps Act, and be appointed or assigned to an appropriate class thereof, except that—

(A) no person who holds a career or career-conditional appointment immediately before such date shall, without the consent of such person, be so appointed until three years after such date, during which period such person not consenting to be so appointed may continue to hold such career or career-conditional appointment; and

(B) each person so appointed who, immediately before such date, held a career or career-conditional appointment at grade 8 or below of the General Schedule established by section 5332 of title 5, United States Code, shall be appointed a member of the Foreign Service for the duration of operations under the Peace Corps Act.

Each person appointed under this paragraph shall receive basic compensation at the rate of such person's class determined by the President to be appropriate, except that the rate of basic compensation received by such person immediately before the effective date of such person's appointment under this paragraph shall not be reduced as a result of the provisions of this paragraph.

DIRECTOR OF THE PEACE CORPS

SEC. 604. Section 4(b) of the Peace Corps Act (22 U.S.C. 2503(b)) is amended by striking out "such agency or officer of the United States Government as he shall direct. The head of any such agency or any such officer" and inserting in lieu thereof "the Director of the Peace Corps. The Director of the Peace Corps".

TECHNICAL AMENDMENTS

SEC. 605. (a) Section 3 of the Peace Corps Act (22 U.S.C. 2502) is amended by—

(1) repealing subsections (d), (e), and (f); and

(2) redesignating subsection (g) as subsection (d).

(b) The repeal of provisions of law made by subsection (a) of this section shall not affect (1) the validity of any action taken under the repealed provisions before the date of the enactment of this Act, or (2) the liability of any person for any payment described in such subsection (f).

REPORTS

SEC. 606. (a) Not later than the thirtieth day after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to the appropriate committees of the Congress and to the Comptroller General a report regarding the steps taken in implementation of the provisions of this Act, including descriptions of the manner in which various administrative matters are disposed of, such as matters relating to personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations,

allocations, and other funds employed, used, held, available, or to be made available in connection with functions or activities relating to the Peace Corps.

(b) Not later than the forty-fifth day after the date of the enactment of this Act, the Comptroller General shall submit to such committees a report stating whether, in the judgment of the Comptroller General, determinations made by the Director of the Office of Management and Budget under section 603(b)(1) were equitable.

REFERENCES IN LAW

SEC. 607. References in any law, reorganization plan, Executive order, regulation, or other official document or proceeding to the ACTION Agency or the Director of the ACTION Agency with respect to functions or activities relating to the Peace Corps shall be deemed to refer to the Peace Corps or the Director of the Peace Corps, respectively.

DEPARTMENT OF JUSTICE
AUTHORIZATIONS, 1982

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 951, the Department of Justice authorization bill, which the clerk will report.

The assistant-legislative clerk read as follows:

A bill (S. 951) to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1982, and for other purposes.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 70 TO AMENDMENT NO. 69

Mr. WEICKER. Mr. President, pending before this body is the Weicker amendment in the second degree to the Helms amendment in the first degree to S. 951, the Department of Justice authorization bill for fiscal year 1982.

I would like to, at this juncture, try my best, in any event, to correct the perception given through the media as to what the issue is before this body. The issue is the Weicker amendment. That amendment says specifically:

Except that nothing in this act shall be interpreted to limit in any manner the Department of Justice in enforcing the Constitution of the United States, nor shall anything in this act be interpreted to modify or diminish the authority of the courts of the United States to enforce fully the Constitution of the United States.

Nowhere in the language of that amendment does "busing" appear. I keep on reading about an antibusing amendment and the entire debate framed in terms of busing. As I indicated, this is a civil rights debate. More particularly, as far as the amendment before this body, it relates to the constitutional powers of the executive branch under the judicial branch. It has absolutely nothing to do with busing.

The amendment assures that the Justice Department of the United States shall enforce fully the Constitution of the United States and that the courts of the United States shall enforce fully the Constitution of the United States. That is the issue before the Senate at this time.

The Helms amendment addresses itself, in part, to the issue of busing. That is not what the Weicker amendment does.